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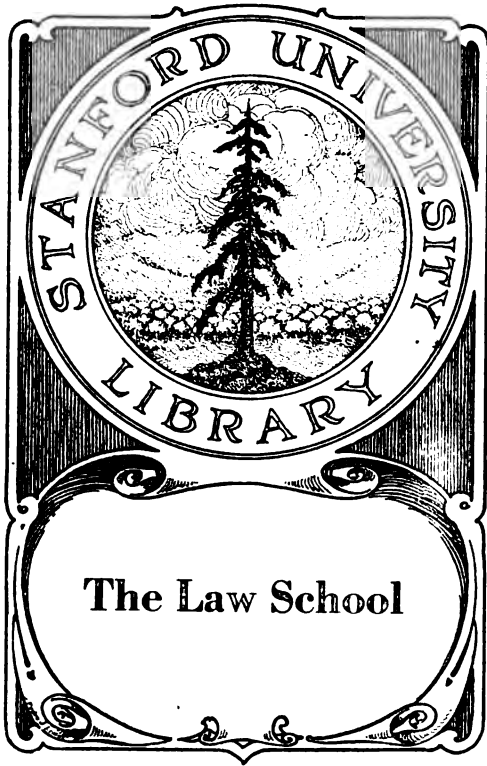
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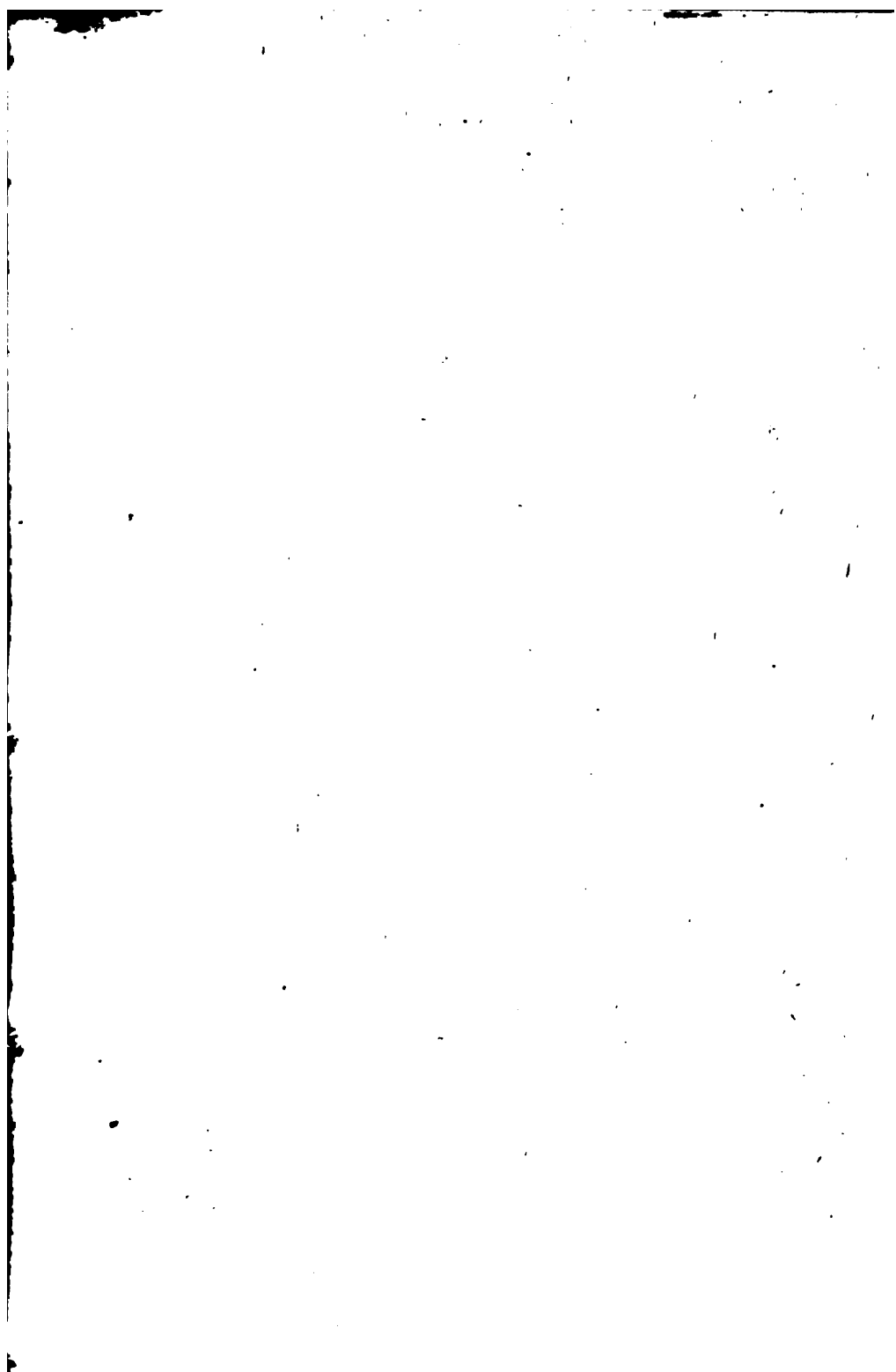


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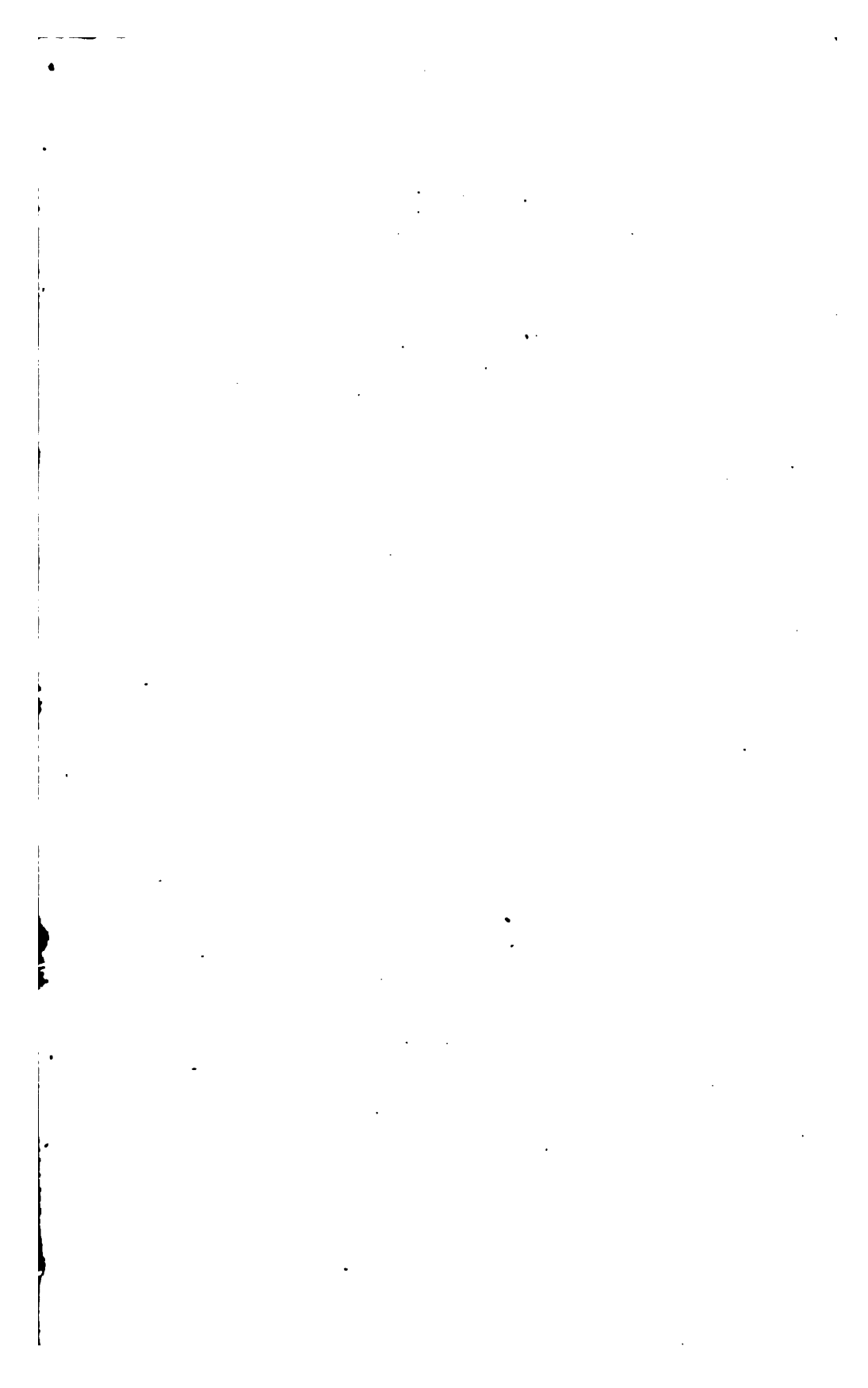


New Jersey Collection











ACTS

OF THE

*C*

# Ninety-Sixth Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-EIGHTH UNDER THE NEW CONSTITUTION.



TRENTON, N. J.:

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The present volume of the Laws of the State is printed in accordance with the Act regulating Public Printing, approved March 14, 1870, which provides that "the Public Laws shall be collated and printed in the front part of the volume." The Joint Resolutions and Proclamations by the Governor are also placed there, followed by a Table of Contents and Index. The Public Laws of a special character and the Private Acts follow in the natural order of their approval, with the Table of Contents and the Index at the close of the volume.

HENRY C. KELSEY,  
*Secretary of State.*



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GENERAL PUBLIC LAWS.

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# GENERAL PUBLIC ACTS

PASSED BY THE

## NINETY-SIXTH LEGISLATURE.

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### CHAPTER I.

A Further Supplement to an act entitled "An Act to provide for the support of the government of this State and to fix the salaries of public officers," approved April fourth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Salary.</sup> *the State of New Jersey*, That the governor of this state shall be entitled to receive an annual salary of five thousand dollars.

2. *And be it enacted*, That this act shall take effect January 16, 1872.

EDWARD BETTLE,  
*President of the Senate.*

NATHANIEL NILES,  
*Speaker of the House of Assembly.*

Approved January 10, 1872.

THEODORE F. RANDOLPH,  
*Governor.*

## CHAPTER VII.

An Act to amend the act entitled "An Act giving the consent of the State of New Jersey to the erection of defenses at Finn's Point, New Jersey."

Consent of  
state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act giving the consent of the state of New Jersey to the erection of defenses at Finn's Point, New Jersey," approved April sixth, 1871, shall be so construed as to give the consent of the state to the purchase by the United States of the land on Finn's Point, for the erection of fortifications thereon.

EDWARD BETTLE,  
*President of the Senate.*

NATHANIEL NILES,  
*Speaker of the House of Assembly.*

Approved February 1, 1872.

JOEL PARKER,  
*Governor.*

## CHAPTER X.

Supplement to An Act to regulate the business of fire, life, accident, marine and live stock insurance by companies or associations not incorporated by this State, approved April ninth, one thousand eight hundred and sixty-seven.

Secretary of  
state to com-  
pute value of  
policies and  
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every life insurance company incorporated by the laws of this state, to make return in January of each year to the secre-

tary of this state, showing all its policies and annuity bonds in force on the first day of said month, with such particulars of the same as are necessary for the valuation thereof as hereinafter directed; the secretary of state shall thereupon compute or cause to be computed the value of such policies and bonds, or what is known as the reinsurance fund therefor, according to the American experience table of mortality, and interest at the rate of four and a half per centum per annum; upon such valuation being made, and a certificate thereof furnished by the secretary, each company shall pay to said officer to defray the expense thereof, the sum of one cent for every thousand dollars of the whole amount insured by its policies so valued.

2. *And be it enacted*, That when by the laws of any other state or nation any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions are imposed on life insurance companies of this state doing business in such other state or nation, or upon their agents therein, so long as such laws continue in force the same taxes, fines, penalties, licenses, fees, deposits, obligations and prohibitions, and no other of whatever kind shall be imposed upon all such insurance companies of such other state or nation doing business within this state and upon their agents here; *provided*, that nothing herein shall be held to repeal the license fee of fifty dollars required of life insurance companies of other states doing business in this state, or the further payment of twenty dollars for each and every agent appointed by and acting for them.

Licenses and  
taxes.

Proviso.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 6, 1872.

## CHAPTER XIII.

A Further Supplement to an act entitled "An Act relative to the compensation and duties of the Law and Chancery Reporters of the State."

Treasurer to  
cause copies  
p

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the treasurer to cause the copies of reports which are required by law to be delivered to him, to be bound at the expense of the state, in good and substantial law binding, in the manner provided by law, and to make distribution of the same pursuant to the statute.

Extension of  
act.

2. *And be it enacted*, That the second section of the act to which this is a supplement, be and the same is hereby continued in force for five years, unless sooner altered or repealed.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect from the fourth day of April next.

Approved February 6, 1872.

## CHAPTER LXXVIII.

A Further Supplement to an act entitled "An Act to regulate fisheries in the river Delaware, and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight.

Preamble.

WHEREAS, by the sixth section of a supplement to an act entitled "An Act to regulate fisheries in the river Delaware, and for other purposes," passed March fifteen, one



thousand eight hundred and seventy-one, it was enacted that said act should not go into operation until the legislature of Pennsylvania should approve of the same by the enactment of a similar act, in whole or in part; and whereas, the said legislature of the state of Pennsylvania has failed to approve said act, or concur in the law so passed as aforesaid; therefore,

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of said supplement, approved March fifteenth, eighteen hundred and seventy-one, be and the same is hereby repealed. Repealer

2. *And be it enacted*, That the said supplement of March fifteenth, one thousand eight hundred and seventy-one, shall go into immediate operation; *provided*, that so much of the second section of said supplement as requires concurrent legislation in the state of Pennsylvania to make it operative, shall not go into effect until such concurrent legislation is had; *and provided further*, that the fourth section of said supplement be amended by inserting the word "such" between the words "all" and "weirs" where the same occurs in said section, and adding to said section the following proviso; *"provided*, that the said fish wardens shall first give notice in two newspapers of their respective counties, that said contrivances are known to exist and are declared common nuisances, ordering them to be dismantled by their owners or managers, so as to render them no longer capable of taking or injuring the fishes of the streams, of whatever kind; and if, at the expiration of ten days from the date of said notice the dismantling shall not have taken place, then the said fish wardens or others shall proceed to remove or destroy or dismantle the said obstructions as hereinbefore directed."

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXX.

A Supplement to an act entitled "An Act to provide additional accommodations for the insane of this State," approved March thirty-first, one thousand eight hundred and seventy-one.

Commissioners to have control and management of lands, buildings, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "commissioners to select a site and to build an asylum for the insane of this state," appointed by virtue of the act to which this is a supplement, shall be vested with full control, management, and care of the lands, premises, buildings, built or to be built, and appurtenances, heretofore purchased and hereafter to be purchased by them for the purposes of the proposed asylum, with authority to grade, plant, fence, and improve the said lands.

Purchases of land confirmed.

2. *And be it enacted*, That whereas said commissioners, in order to complete the site, to secure a full supply of pure and wholesome water and valuable quarry of stone, and make the necessary changes in the public roads required for the same, were obliged to purchase more land than was authorized by the act to which this is a supplement, the purchases of land heretofore made by them as described in their report to the governor and legislature, dated December fifteenth, one thousand eight hundred and seventy-one, are hereby ratified and confirmed, and the commissioners are also authorized and empowered to purchase such other tracts or parcels of land, as may be necessary for the completion of the site, and the changes required in the public roads, conveyances for the same to be made to the state of New Jersey.

Authorized to sell land.

3. *And be it enacted*, That the said commissioners are authorized in their discretion when deemed best for the interest of the state, to sell such part or parts of the lands purchased for the said asylum as may be necessary for the purposes of the same, and the governor is authorized and directed to make title to the purchasers of said lands by good and sufficient deed, signed by him under the great seal of the state and countersigned by the secretary of state, when

required so to do by the said commissioners, if approved by him, and the monies arising from said sales shall be appropriated towards the purposes of carrying out the provisions of the original act and this supplement.

4. *And be it enacted*, That for the purpose of preserving and maintaining order and preventing disturbances and trespassing on the lands of the asylum and the adjoining premises, the said commissioners shall have police jurisdiction within the grounds owned by the state, and one mile beyond the boundaries of said grounds, and it shall be lawful for said commissioners to appoint one or more fit, proper, and discreet person or persons, who shall take and subscribe an oath or affirmation before the clerk of the county of Morris, which oath or affirmation shall be filed by said clerk in his office, and shall be in like form and effect as now required by law for constables to take and subscribe; and which person or persons so appointed and sworn or affirmed, shall receive the same compensation and possess the same power and authority on the premises of said asylum, and on the premises adjacent thereto, within the limits named in this section, which constables now possess in criminal cases and in actions of trespass; and they shall have power and authority to arrest all persons who shall there be found unlawfully trespassing upon said premises or violating any of the laws of this state, or who shall conduct themselves in an immoral or disorderly manner, or in violation of the rules and regulations provided by said commissioners for the government of said grounds and premises, such rules and regulations not being in conflict with the constitution and laws of this state or of the United States, and said parties so arrested shall be taken without delay before some justice of the peace, or other proper officer having jurisdiction of the case, to be dealt with according to law, and that the provisions and powers of this section be extended to and conferred upon the managers appointed under the act entitled "An Act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the insane," approved February twenty-third, one thousand eight hundred and forty-seven, and the several supplements thereto.

5. *And be it enacted*, That it shall not be lawful for any of the surveyors of the highways, or other person or persons, to lay out or maintain any new road or public highway, or railway through or upon the lands purchased or to be purchased, Roads not to be laid out without the consent of the commissioners.

chased for the said asylum, without the consent of the above named commissioners in writing being first had and obtained.

May contribute toward maintaining roads

6. *And be it enacted*, That the said commissioners shall have power to contribute in labor by their employees and teams, or from funds appropriated for the building of said asylum, such amount as in their judgment they shall deem proper for the purpose of opening, working and maintaining the public roads leading to said asylum.

May construct railway.

7. *And be it enacted*, That it shall be lawful for said commissioners to grade, lay down, maintain and open for the purposes of said asylum, a railway over any of the public highways leading to the same, or over any private property required for such railway, full compensation to be first ascertained and made to the owner or owners of such private property so taken by the commissioners, such railway to connect with any railway now built or hereafter to be built; *provided*, such railway shall not exceed four miles in length, and shall not interfere with the traffic on the said public highway.

Proviso.

Proceedings when the commissioners and owner cannot agree.

8. *And be it enacted*, That in case the said commissioners shall not be able to agree with the owner or owners of private property or lands necessary to be taken for said railway, or for any purposes necessary for the said asylum, and for carrying into effect the provisions of this act, as to the amount of damage or compensation to be paid for the same, or if by reason of the absence or legal incapacity of the owner or owners, no such agreement can be made, the said commissioners shall make or cause to be made, a survey of the land required for the purposes of this act, and a particular description of the same, and shall appoint a particular time when they shall meet on the said land for the purpose of ascertaining and determining the value of the same and assessing the damages, and shall cause ten days' notice of such meeting, and a copy of such particular description of the land to be given in writing to the parties interested, if known, or if out of this state, such notice to be published in one of the newspapers published in the county of Morris, for a period of at least ten days prior to the time appointed for such meeting, and the said commissioners shall meet at the time and place so appointed, and proceed to view and examine the said land, and make a just and equitable appraisal or estimate of the same, and assessment of damages, which report shall be made in writing, under the hands and

seals of the said commissioners, or a majority of them, and filed within ten days thereafter, together with the aforesaid survey and description of the lands, in the clerk's office of the county of Morris, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered plenary evidence of the right of the state to have, hold, use, occupy, possess and enjoy the said land, and the said commissioners shall at the said time of filing the said report pay the amount of the said award into the circuit court of the county of Morris, for the benefit of the owner or owners of the said land, and the state may take the said land upon the payment of the said award into the said court.

9. *And be it enacted*, That in case the owner or owners of the said land shall be dissatisfied with the report made by the said commissioners, the party so aggrieved may appeal to the circuit court of the county of Morris, at the first term after the filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest said court with power and right to direct an estimate or appraisal of the value of the land and assessment of damages, by a jury to be empanelled and sworn as in other cases, and a view of the premises if desired, and the same to be tried at the next term of the said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of the said land and the damages sustained; and if they shall find a greater sum than the commissioners have awarded, then judgment thereon with costs shall be entered, and such excess, with the costs, shall immediately be paid into the circuit court for the benefit of the parties interested; but if the jury shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the said applicant or applicants, and the payments so made and paid into the circuit court, shall be deemed to be valid and legal payments; and such application for appeal shall not prevent the state from taking the said land.

Proceedings  
in case of ap-  
peal.

10. *And be it enacted*, That the said commissioners, before appraising the said lands, shall take and file in the office of the clerk of the county of Morris, an oath, well, truly and faithfully to perform the duties of their appointment.

Commission-  
ers to file  
oath.

11. *And be it enacted*, That in order to enable the said commissioners to prosecute the work entrusted to their care,

Amount of ap-  
propriation.

the further sum of one hundred and fifty thousand dollars is hereby appropriated, out of any monies in the treasury not otherwise appropriated, to be drawn and paid in the same manner as provided for in the act to which this is a supplement.

Repealer.

12. *And be it enacted*, That all acts or parts of acts which may conflict with any of the provisions of this act be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXXV.

An Act for the protection of bridges over the River Delaware.

Penalty for injury to bridges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That if any person or persons shall wilfully cut, destroy, break, or remove from any bridge over the river Delaware, between this state and the state of Pennsylvania, any pieces of timber, planks, stones, chains, rods, bolts, screws, or any other materials whatsoever, belonging to said bridge, or shall remove or take away, from within the space of thirty feet from above or below any of the piers or abutments of any such bridge, or from alongside thereof, any sand, gravel, or stones, or other materials used for ripraps, or breakers, or protection of said piers or abutments; or otherwise wilfully, maliciously, or voluntarily damage the same, he or they shall forfeit and pay, for every such offence, over and above the damages done, the sum of thirty dollars, with costs of suit, to be recovered by the corporation so injured, before any court having cognizance of that sum, in either of the counties of this state, or of the state of Pennsylvania, where the said bridge may be situated.

Penalty for crossing the bridges at a faster gait than a walk.

2. *And be it enacted*, That if any person or persons shall ride or drive any horse, mule, or wagon over any of the toll bridges over the river Delaware, as aforesaid, at a faster

gait than a walk, he or they shall forfeit and pay for every such offence, the sum of ten dollars, with costs of suit, to be recovered in the same manner as the penalty in the preceding section; *provided*, that this act shall not be construed Proviso. to prevent any physician or midwife, or persons going for the same and returning from said errand, or riding express, by order of any public officer of these two states, or carrying the mail of the United States, from riding or driving over any of such toll bridges at a faster gait than a walk.

3. *And be it enacted*, That it shall not be lawful for any person or persons passing, riding or driving over any toll bridge, as aforesaid, to carry any lighted cigar or pipe, or to carry fire in any form, or to light any match, or cigar, or pipe, or to fire off any gun, or other fire arms, or to explode any fire works of any description, on said bridge, or within its enclosures; or to engage in any game with cards or other devise for money, or the value of money, or for pleasure, or to engage in any foot racing, or other racing; or to congregate upon such bridge so as, in any wise, to interfere or annoy persons traveling over the same, under the penalty of ten dollars for each and every such offence, to be recovered as aforesaid, with costs of suit against each and every person so offending. Penalty for carrying fire on the bridges or exploding fireworks, &c.

4. *And be it enacted*, That, every person passing with horses, mules, cattle, or wagons over any of said bridges, shall keep to the right-hand side of the roadway thereof, under forfeiture and penalty of five dollars, with costs of suit, for each and every violation of this section, to be recovered as aforesaid. Shall keep to the right.

5. *And be it enacted*, That the several toll bridge companies over the river Delaware, shall cause to be placed, and kept up, upon each end of said several bridges, a painted notice, specifying the offences, in this act mentioned, and the penalties therefor, excepting those stated in the first section hereof. Notices to be kept up.

6. *And be it enacted*, That this act shall go into effect so soon as the same shall be ratified by the legislature of the state of Pennsylvania. When act shall take effect.

Approved February 28, 1872.

## CHAPTER XXIII.

## An Act to make a contribution toward the completion of the Washington National Monument.

Preamble.

WHEREAS, there is now standing in the city of Washington, an uncompleted obelisk or shaft intended as a national monument to the memory of George Washington; therefore, with the intent and for the purpose of completing the said monument before the centennial anniversary of the Declaration of Independence,

Amount of  
appropriation  
and when to  
be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars is hereby appropriated out of any money not otherwise appropriated in the treasury of this state, as the contribution of the state of New Jersey, to be paid by the treasurer on the warrant of the comptroller, to the treasurer of the National Washington Monument Society, whenever the governor of this state shall certify that he is satisfied a sufficient sum has been subscribed from other sources to enable said society to resume work with a reasonable prospect of completing the obelisk or shaft.

Governor to  
transmit copy  
of law.

2. *And be it enacted*, That a copy of this law shall be transmitted by the governor to the governors of other states of the Union, with a request that they communicate the same to the legislatures of their respective states.

Approved February 28, 1872.



## CHAPTER XCVI.

## An Act to provide building sites for Life Saving Stations on the Coast of New Jersey.

WHEREAS, the congress of the United States has, at the re- Preamble.  
quest of the legislature of this state, made appropriations for the repairing of the various life saving stations, and the building of additional ones, on the coast of New Jersey, and as difficulties have, in some instances, arisen in procuring, from the owners of lands, proper sites on which to locate their buildings, and as it is deemed important and necessary in this humane cause that the people of this state should, through their representatives, secure to the United States such sites as the honorable the secretary of the treasury may have selected, or may from time to time select, for the erection of buildings for this purpose; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* Appointment of commissioners.  
*the State of New Jersey,* That the governor shall nominate three citizens of this state, who shall be confirmed by the senate, who shall be a commission, with authority to procure for the state, by purchase, the title to any land selected by the secretary of the treasury or his agents, for the purpose of erecting any buildings connected with the life saving stations, and not to exceed one-half of an acre of land, at any one point on the New Jersey coast, at such prices as said commissioners, or a majority of them, may deem fair and just; and the title to the same to be taken in the name of the state of New Jersey.

2. *And be it enacted,* That if the said commissioners Proceedings when commissioners and owners cannot agree as to purchase  
cannot agree with the owner or owners of such required lands for the purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, the said commissioners shall make, or cause to be made, a survey of the land required for the purposes of this act, and a particular description of the same; and shall appoint a particular time when they will meet upon the said land for the purpose of ascertaining and determining the

value of the same, and assessing the damages; and shall cause ten days' notice of such meeting, and a copy of such particular description of the land, to be given in writing to the parties interested, if known and in this state, or if out of this state, such notice to be published in one of the newspapers published in the county where said lands are situate, for a period of at least thirty days prior to the time appointed for such meeting; and the said commissioners shall meet at the time and place so appointed, and proceed to view and examine the said land, and make a just and equitable estimate or appraisement of the same, and assessment of damages, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid survey and description of the lands, in the clerk's office of the county where said lands are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of the state to have, hold, use, occupy, convey, cede, possess and enjoy the said land; and the said commissioners shall, at the said time of filing the said report, pay the amount of the said award into the circuit court of the said county where the said lands are situate, for the benefit of the owner or owners of the said land; and the state may take the said land upon the payment of the said award into the said court.

Procedures  
to appeal  
a cause.

3. *And be it enacted*, That in case the owner or owners of the said land shall be dissatisfied with the report made by the said commissioners, the party so aggrieved may appeal to the circuit court of the county where the said lands are situate, at the first term after filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest said court with power and right to direct an estimate or appraisement of the value of the land, and assessment of damages, by a jury to be empanelled and sworn as in other cases, and a view of the premises if desired, and the same to be tried at the next term of the said court to be holden in said county, upon like notice, and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, then judgment thereon, with costs, shall be entered, and

such excess, with the cost, shall be immediately paid into the circuit court for the benefit of the parties interested; but if the jury shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the said applicant or applicants, and the payments so made and paid into the circuit court, shall be deemed to be valid and legal payments, and such application shall not prevent the state from taking the said land.

4. *And be it enacted*, That the said commissioners shall take and file in the office of the secretary of state an oath, well, truly and faithfully to perform the duties of their appointment before entering upon said duties. Commissioners to file oath

5. *And be it enacted*, That for the purchase of said land the sum of five thousand dollars be, and the same is hereby appropriated to be paid by the treasurer of this state out of any funds in his hands, not otherwise appropriated, on the warrant of the comptroller, under requisition from the said commissioners. Amount of appropriation

6. *And be it enacted*, That immediately after the title to the said lands or sites shall have been acquired by purchase or otherwise, the governor of this state is hereby authorized and required to convey the said lands or sites to the United States, by good and sufficient conveyances, and under the great seal of this state, for building sites for life-saving stations, and for no other purpose, and without compensation to be paid by the United States. Governor to make conveyances under the great seal

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER CVIII.

An Act for the summary conviction of Professional Thieves.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, if any person shall be charged on oath or affir- Proceedings for summary conviction of professional pickpockets and thieves

mation before the mayor or a justice of the peace, in any town, city or county in this state, with being a professional thief, burglar, or pickpocket, and who shall have been arrested by the police authorities at any steamboat landing, railroad depot, church, banking institution, broker's office, place of public amusement, auction room, store or crowded thoroughfare in any city, town or county in this state, and if it shall be proven to the satisfaction of the said mayor or justice of the peace, that he or she was frequenting or attending such place or places for an unlawful purpose, he or she shall be committed by the said mayor or justice of the peace, to the jail of the county or city in which he or she may have been arrested, for a term not exceeding ninety days, there to be kept at hard labor; or, in the discretion of the said mayor or justice of the peace, he or she shall be required to enter security for his or her good behavior for a period not exceeding one year.

Approved February 29, 1872.

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## CHAPTER CXXIV.

A Supplement to the act entitled "An Act to provide a Digest of the Law and Chancery Reports of the State of New Jersey."

Justices of the  
supreme court  
may make and  
revoke ap-  
pointment of  
reporter.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the justices of the supreme court, in their discretion, to revoke any designation or appointment by them made, pursuant to the act to which this is a supplement, and to make a new selection and designation of a person to perform the duties contemplated by said act; and that all the provisions of said act shall, so far as practicable, apply to the person selected and designated, pursuant to the authority hereby granted.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXXVII.

An Act for the better protection of Livery Stable, Boarding,  
and Exchange Stable Keepers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all livery stable, boarding, and exchange stable keepers shall have a lien on all horses and other animals left with them in livery, for board, or sale, or exchange; and, also, upon all carriages, wagons, sleighs, and harness left with them for storage, sale, or exchange, for the amount of the bill due to the proprietor of any such stable for the board and keep of any such horse or other animal, and, also, for such storage; and shall have the right, without the process of law, to retain the same, until the amount of such said indebtedness is discharged.

2. *And be it enacted*, That all property so held by any such livery stable, boarding, and exchange stable keeper shall, after the expiration of thirty days from the date of such detention, be sold at public auction; upon a notice of said sale being first published for the space of two weeks in some newspaper circulating in the city or township in which said livery or boarding and exchange stable is situate; and, also, after five days' notice of said sale, set up in five of the most public places in said city or township, and the proceeds of said sale shall be applied to the payment of such lien, and the expenses of such sale; and the balance, if any remaining, shall be paid over to the owner of such property, or his representatives; and if said balance is not claimed by such owner within sixty days after such sale, then the said balance to be paid over to the overseer of the poor of said city or township, for the support of the poor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXXIX.

A Supplement to an act entitled "An Act to establish a State Industrial School for Girls," approved April fourth, eighteen hundred and seventy-one.

Justice of the  
supreme  
court may in-  
stitute a sum-  
mary exami-  
nation, and  
commit to in-  
dustrial  
school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any girl under the age of sixteen years shall have been committed to the county jail of any county, by any police justice of any city, or by any justice or justices of the peace of any county for crime or vagrancy, it shall be lawful for any justice of the supreme court, on complaint of any citizen, to institute a summary examination; and if he shall be satisfied that she is a suitable subject for the industrial school, he may commit her thereto by warrant, as in other cases in said act provided.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXXXI.

An Act to provide for the Adjustment of Claims in favor of the State.

State lien,  
how settled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the state of New Jersey has any lien or incumbrance upon any lands, and a suit is brought arising out of any previous lien or incumbrance thereon, such lien or incumbrance of the state may be brought in question and definitely settled by any court having jurisdiction over the subject matter of the suit.

2. *And be it enacted*, That in all suits wherein the lien,

incumbrance, or priority of incumbrance of the state shall be brought in question, a notice out of the court stating the names of the parties and the incumbrance or lien of the state sought to be affected, and a day for return, as in writs, out of the same court may issue, directed to the state of New Jersey, and the same may be served upon the attorney general as other process is served out of said court, and on the return of such notice duly served, or on appearance by the attorney general for the state the suit may proceed as other cases, and a decree or judgment therein shall bind the state the same as if it had been made against an individual; and the lien of the state on sale under such decree or judgment shall be cut off and the claim of the state shall be made out of the surplus, if any, in the order of priority in which the incumbrance of the state stands.

Proceedings when priority of incumbrance of the state shall be brought in question.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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## CHAPTER CXXXIII.

A Further Supplement to an act entitled "An Act to regulate the business of fire, life, accident, marine, and live stock insurance, by companies or associations not incorporated by this state," approved April ninth, one thousand eight hundred and sixty seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, by the laws of any other state or nation, any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions are imposed on fire insurance companies of this state doing business in such other state or nation, or upon their agents therein, so long as such laws continue in force the same taxes, fines, penalties, licenses, fees, deposits, obligations and prohibitions, and no other of whatever kind shall be imposed upon all such insurance companies of such other

Licenses, fees and taxes.

Proviso. state or nation doing business within this state and upon their agents here; *provided*, that nothing herein shall be held to repeal the license fee of fifty dollars required of fire insurance companies of other states doing business in this state, or the further payment of a tax of two per centum on all premiums received by said companies in this state for the preceding year.

Repealer. 2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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## CHAPTER CXXXVI.

An Act granting an annuity to Ann B. Brittain, daughter of Joseph Brittain.

Annuity to be paid semi-annually. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to Ann B. Brittain, who is the daughter of Joseph Brittain, who donated to this state the land upon which the capitol buildings now stand, or to her order, the sum of two hundred dollars per annum, during the term of her natural life, in equal semi-annual payments, the first payment to be made upon the approval of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.



## CHAPTER CXXXVII.

An Act requiring incorporated companies to file a list of the names of their directors and officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every corporation incorporated under the laws of this state, whether organised under general or special laws, and of all incorporated companies recognized or to be recognized by the laws of this state, and of all corporations of other states, transacting or to transact business in this state, and they are hereby required, within thirty days after the usual time of annual election of directors, managers, or trustees thereof, to furnish to the secretary of state of this state a complete list, authenticated by the signature of the president and secretary, of the names of their directors, trustees, or managers and officers, with the date of election or appointment and term of office of each such director or officer, with their places of residence, respectively, together with the business and location or principal office or place of business of the company in this state, and it shall be the duty of the secretary of state to file and keep the same in his office.

List of names  
and residence  
of directors  
and officers of  
companies to  
be filed

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXL.

A Supplement to the "Act concerning Marriages," passed March fourth, one thousand seven hundred and ninety-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers conferred on Mayor may solemnize marriages.

justices of the peace by the second section of said act to solemnize marriages, be and the same are hereby extended to and conferred on the mayor of every incorporated city, town or borough of this state, who is required to keep the records and make the returns prescribed in said "Act concerning marriages," and who shall be subject to all the provisions of said act, the same as justices of the peace.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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## CHAPTER CXLV.

A Further Supplement to the act entitled "An Act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals."

Penalty for  
cruelty to  
animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall cruelly treat or torture any mule, horse, ox or other animal, shall forfeit and pay the sum of twenty dollars, to be sued for and recovered in an action of debt, with costs of suit by any person or persons in the name of "The New Jersey Society for the Prevention of Cruelty to Animals," before any justice of the peace in any county of this state, who is hereby authorized to hold a court within such county to hear, try and determine the same, according to law.

Society, by its  
officers or  
agents may  
take arrests.

2. *And be it enacted*, That any member, officer, or agent of "The New Jersey Society for the Prevention of Cruelty to Animals," may take into custody without warrant, any person who, within his view, shall cruelly treat or torture any mule, horse, ox, or other animal, and take said person before the nearest justice of the peace having cognizance of such offence, to be dealt with according to law.

Proceedings,  
how regulated

3. *And be it enacted*, That all actions or proceedings before any justice of the peace under the provisions of this act shall, as nearly as may be, be regulated by the provisions

of, and conducted in the manner prescribed in and by an act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto, and the court held by every justice of the peace for the purpose aforesaid, shall be a court of record.

4. *And be it enacted*, That every justice of the peace shall be empowered on oath, affirmation, or affidavit made according to law, and filed in his office, that any person has been guilty of a violation of any of the provisions of the first section of this act, to issue a process either in the nature of a warrant or a summons against the person so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five or more than fifteen days; that such process shall state what act has been violated, and the section thereof, and when, and in what manner the same has been violated, and that on the return of such process, or at the time to which the justice shall have adjourned the same, the said justice shall proceed to try the cause and give judgment without the filing of any pleadings, and that the justice, if judgment be rendered against the defendant, shall forthwith issue execution against the goods and chattels and person of the defendant.

Justice of the peace empowered to issue process.

5. *And be it enacted*, That one-fourth of the penalty prescribed for the violation of the first section of this act, shall be paid by the court to the person making complaint and prosecuting said action, and the residue thereof shall be paid to "The New Jersey Society for the Prevention of Cruelty to Animals," for the use thereof, and that the fees and costs in said actions shall be the same as in other actions brought in the courts for the trial of small causes.

Penalty, to whom paid.

6. *And be it enacted*, That any justice of the peace in the county wherein any offence under this act shall be committed, is hereby authorized and empowered, upon proof before him that such offence has been committed, and that the arrest of the offender is necessary for the recovery of the penalty prescribed by this act, to issue his warrant, and have such offenders arrested and committed or held to bail in double the amount of the penalty, to answer the charge against him.

Any justice of the peace in the county where offence is committed may hold offender to bail, or commit.

7. *And be it enacted*, That every person against whom judgment may be obtained in the trial before a justice of the peace, under this act, shall have the right of appeal to the higher courts, as in case of civil suits before a justice of the

Appeal may be taken.

peace, and that the president of "The New Jersey Society for the Prevention of Cruelty to Animals" may discontinue all suits which may be brought under the provisions of this act.

President of the society may designate justice or justices in cities, who may have cognizance.

8. *And be it enacted*, That in all cities, wherein the population shall exceed the number of seventy-five thousand, the president of the society for the prevention of cruelty to animals, when directed so to do by the board of directors of said society, may designate, under his hand and seal of said society, the justice or justices of the peace in said city, before whom only, in said city, actions may be brought in the name of said society to recover the penalty provided by this act; and then and in that case no other justices than those thus designated shall, in said city, take cognizance of said actions.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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## CHAPTER CL.

A Further Supplement to an act entitled "An Act to regulate the business of fire, life, accident, marine, and live stock insurance by companies or associations not incorporated by this state," approved April ninth, one thousand eight hundred and sixty-seven.

Valuation of policies.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the secretary of state, in making valuation of policies as required by the first section of a supplemental act, approved February sixth, one thousand eight hundred and seventy-two, shall not be restricted to the standard of valuation in said section mentioned, but may make such valuation according to the actuaries mortality, and four per centum interest, or according to any other recognized standard of valuation, as he may deem best for the security of the business, and the safety of persons insured.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

## CHAPTER CLXXII.

An Act supplementary to an act entitled "An Act to incorporate Benevolent and Charitable Associations," approved March ninth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any benevolent or fraternal organization, or society having a grand lodge, or other legislative head, duly organized and existing in this state, shall determine to establish a college for the education of orphans and others, and a home for widows, orphans and aged members of such society in this state, they may become incorporated under the act to which this act is supplementary, and such organization or society shall have and may retain the right, through its grand lodge or other legislative head, to select and name the persons who shall form such corporation, and be the first trustees thereof, and to prescribe the terms of office of such trustees, and provide for their classification, so that a portion thereof shall go out of office, and their successors be elected at each annual session, and by the members present of such grand lodge or society; the said grand lodge or society may also provide that no person shall be a trustee of such corporation, unless he be a member of such order, organization or society, in good standing; and also requires said board of trustees to report annually to the grand lodge or society founding the same, the condition of affairs of such corporation, and the amount and manner of its receipts and expenditures.

Grand lodge or other legislative head of benevolent societies, &c., may select trustees of its corporation for college or home.

2. *And be it enacted*, That the restriction as to numbers in section one, and as to the amount of income in section three of the act to which this act is supplementary, shall not

Restriction as to numbers, &c., when to apply.

apply to corporations formed for the purpose of establishing a college and home as above provided.

Approved March 8, 1872.

### CHAPTER CCIII.

A Further Supplement to the act entitled "An Act for the preservation of Sheep," approved April fourteenth, one thousand eight hundred and forty-six.

When township committee shall meet

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section four of the "Supplement to an act for the preservation of Sheep," which said supplement was approved March twenty-fourth, one thousand eight hundred and fifty-two, as requires the meeting of the township committee to be held on the first Monday of October in each and every year, be and the same is hereby repealed; and the said township committee shall hereafter meet on the first Tuesday of September of each and every year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

### CHAPTER CCVI.

An Act for the preservation of fish in the waters of the Raritan and Sandy Hook Bays and their tributaries.

Factories for obtaining oil from fish not to be established.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons, or any corporation or association, to erect

or cause to be erected any floating factory for the purpose of pressing or obtaining oil from fish in any of the waters of Raritan bay or of Sandy Hook bay, or of any of the tributaries of said bays, or of either of them.

2. *And be it enacted*, That it shall not be lawful for any person or persons, or any corporation or association, to place on board any vessel, of any description whatever, any machinery with intent to use such machinery for pressing or obtaining oil from fish in the waters of the Raritan bay or of Sandy Hook bay, or of any of the tributaries of the said bays, or of either of them. The placing of machinery on board of any vessel for the purpose of obtaining oil from fish, prohibited.

3. *And be it enacted*, That it shall not be lawful for any person or persons, corporation or association, to permit to flow into the waters of the above named bays, or of their tributaries, from any floating factory, or from any factory located upon the shores of either of said bays, or of either of their tributaries, any soap, pumice, debris, residuum or refuse matter of any description arising from the pressing or manufacturing oils from fish. Refuse from factories, &c., not to be allowed to flow into the bays or tributaries.

4. *And be it enacted*, That all vessels and floating erections of every description found upon the waters of the Raritan bay or of the Sandy Hook bay, or of any of the tributaries of either of said bays, with machinery and materials for the purpose of manufacturing oil from fish, in either of said bays or their tributaries, shall, with all the machinery, stock and fixtures, be forfeited to the state of New Jersey. Vessels, &c., when to be forfeited.

5. *And be it enacted*, That all persons employed or in any way engaged in violation of any of the foregoing provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction in any court of competent jurisdiction, shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labor not exceeding one year, or both, in the discretion of the court. Penalty for violation.

6. *And be it enacted*, That of all fines, penalties and forfeitures incurred under this act, the informer shall be entitled to receive one moiety of said fines and forfeitures, and the other moiety shall be paid into the treasury of the state. Fines and forfeitures, how disposed of.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CCVII.

A Further Supplement to an act entitled "An Act for punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Penalty when  
city, town-  
ship, ward  
county off-  
icers unlaw-  
fully obtain  
or consels the  
obtaining of  
money, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any officer of any city, township, ward or county of this state, shall hereafter obtain, or counsel, aid, assist, or procure in obtaining for any other person or persons, corporation or corporations, any sum or sums of money, notes, bonds, scrip, securities, or other valuable thing, from any such city, township, ward, or county, or from this state, not lawfully and justly due to said officer, or to such other person or persons, corporation or corporations, at the time of obtaining the same, he shall be deemed to be guilty of a high misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or imprisoned in the state's prison not exceeding five years, or both.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CCVIII.

An Act for the preservation of order in Libraries and Reading Rooms.

Penalty for  
disturbance or  
disorderly  
conduct in  
public library  
or reading  
room.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall by noisy or disorderly conduct in any public library or reading-room in this state, disturb or interrupt the quiet and good order of



those who resort to and use said library or reading-room for reading or study, may, upon conviction thereof, before any justice of the peace or police court within the city or town where said library or reading-room is established, be fined to an amount not exceeding twenty dollars, or imprisoned in the county jail not exceeding ten days, at the discretion of said court or magistrate.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CCXV.

A Supplement to an act entitled "An Act respecting the Orphans' Court and the powers and authority of Surrogates," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the probate of the will of any person resident in this state at the time of his or her decease, which has been or may hereafter be duly admitted to probate in this state, as to any real estate devised by said will, shall be conclusive evidence of the formal execution of said will (so far as the same appears by said probate) in any suit, action or proceeding not commenced within seven years from the time of such probate; *provided always*, that the time during which any person claiming as or under the heir of said testator, shall be under the age of twenty-one years, shall not be taken or computed as part of said period of seven years; *and provided further*, that nothing herein contained shall affect any suit, action or proceeding heretofore commenced and now pending.

Probate of will, when to be conclusive evidence of formal execution.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1872.

## CHAPTER CCXVII.

## An Act to improve the State Library.

Appropriation  
for state library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the additional sum of two thousand dollars be appropriated annually for five years for the improvement of the state library; the same to be drawn from the treasury of the state from time to time by the commissioners of the state library, and expended under their direction in the purchase of books.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1872.

## CHAPTER CCXXIV.

## A Further Supplement to an act entitled "An Act for the Organization of the National Guard of the State of New Jersey."

Governor may  
confer brevet  
rank

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor and commander-in-chief be, and he is hereby authorized to confer a lineal or brevet rank for gallant services in the field, upon any officers of the national guard, equal to the lineal or brevet rank they may have held in the service of the United States; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 15, 1872.

## CHAPTER CCXXXVIII.

An Act giving the consent of the State of New Jersey to the purchase by the United States of certain land near Beverly, in Burlington county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state be and the same is hereby given to the purchase by the United States of that certain piece of ground occupied as a national cemetery, situate near Beverly, in the county of Burlington, and known and described as follows: beginning at a stone set for a corner in the road leading from Beverly to Bridgeborough, and extending thence by land belonging to William Krim, north eighty-one degrees and one-half east, two hundred and sixty-four feet to a stake; thence by lands of Joseph Weyman, north eleven degrees and one-half east, one hundred and thirty-four feet to a stake; thence by other lands of said Weyman north, seventy-eight and one-half degrees west, two hundred and forty-seven feet to a stake in said road; thence along said road eleven degrees and one-half west, two hundred and twenty feet to said stone and place of beginning; containing one acre of land more or less, being the same conveyed by Joseph Weyman to the United States by deed dated August twenty-fifth, eighteen hundred and sixty-four.

Consent of the state given to purchase by the United States.

Approved March 19, 1872.

## CHAPTER CCXXXIX.

A Supplement to an act entitled "An Act to regulate the practice in the Courts of Law."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action at law in which

Costs to be included in taxed bill of costs.

the plaintiff is entitled to costs, when a copy of the declaration has been served on the defendant or defendants, it shall be lawful for such plaintiff to recover for such service the sum of two dollars for each defendant so served, not exceeding three, the same to be included in the taxed bill of costs.

Service of  
copy of decla-  
ration, how  
made.

2. *And be it enacted*, That the service of a copy of the declaration in any cause may be made by delivering the same to the defendant personally, or by leaving the same at his dwelling house or last place of abode; and where a corporation is a defendant, the service of such copy may be made by delivering the same to the president or other head officer or the secretary or clerk thereof, personally, or by leaving the same at his dwelling house or last place of abode.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCXL.

An Act to amend the act entitled "A Further Supplement to an act entitled 'An Act constituting courts for the trial of small causes.'"

Fees to the  
presiding  
judge of  
court of over-  
and terminer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "A Further Supplement to an act entitled 'An Act constituting courts for the trial of small causes,' " approved April sixth, one thousand eight hundred and seventy-one, be amended by adding after the word "payment" the following "and such judge shall receive such fees for his services as the county clerks receive for like services," but he shall in no case approve such payment before conviction.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

# CHAPTER CCLXXV.

An Act in appropriation for the support and maintenance of the Soldiers' Children's Home.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey. That in addition to the appropriation for the support of the soldiers' children's home created by the act approved April first, one thousand eight hundred and sixty-nine, the sum of six thousand dollars, is hereby appropriated for the object designated by the title of this act, to be expended under the direction of the managers of said home, and the treasurer of the state is hereby directed to pay to the treasurer of the said soldiers' children's home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the said sum of money for the purposes aforesaid.

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2. And be it enacted, That this act shall take effect immediately.

Approved March 20, 1872.

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# CHAPTER CCLXV.

An Act relating to fees for impounding animals in the several townships in this State.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey. That from and after the passage of this act, the pound-keepers in the several townships of this state shall be entitled to have and receive the sum of twenty-five cents for each horse, mule or head of cattle, and fifteen cents for each goat, sheep or swine, to be paid for the use of the pound keeper for letting in and out of the pound kept by him; and the person bringing such animals to be impounded

Fees for 1m.  
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shall also be entitled to receive the same fees for each animal so brought by him; and for feeding and attending, the pound-keeper shall be entitled to receive and have the further sum of forty cents per head for each horse, mule or head of cattle, and twenty-five cents for each goat, sheep, or swine for every twenty-four hours they remain in the pound kept by him; and the further sum of one dollar for setting up the advertisements and notice of sale, and for selling every such animal in the manner prescribed by law.

Repealer.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 20, 1872.

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## CHAPTER CCXCVIII.

A Further Supplement to the "Act for the Organization of the National Guard of the State of New Jersey."

Authorizing  
companies of  
colored in-  
fantry.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, shall be and the same is hereby amended as follows, that is to say, by striking out the words "*provided*, that each county of the state shall be entitled to one of said companies," and inserting "*provided*, that in addition to the force now authorized, there be allowed ten additional companies of colored infantry.

Repealer.

2. *And be it enacted*, That all acts and parts of acts in conflict with this act are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1872.

## CHAPTER CCCXXXIII.

An Act to establish a uniform standard of Weights and Measures in this State, and to provide for the appointment of a State Superintendent and Inspector of the same.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the standard of weights and measures in this state shall agree exactly with the standard as recognized and furnished by the United States, and shall for the purposes of security and verification be kept at Trenton, in the custody of the secretary of state.

State standard of measures to agree with United States standard.

2. *And be it enacted*, That every county in this state, not already provided with the same, shall be furnished so far as needed for practical purposes, with exact copies of standard weights and measures of the United States, duly rated and compared with the standards of this state, such county standards to be made in the most approved manner, regarding essentially accuracy, durability, and economy, and for the purpose of testing and adjusting scales of large capacity, shall consist of an addition of five hundred pounds (avoirdupois) of cast iron weights, or ten weights of the capacity of fifty pounds each, properly verified and marked.

Counties to have copies of standard weights and measures.

3. *And be it enacted*, That all contracts made with this state, or between citizens of this state, on the basis of weight or measure, in defining or ascertaining quantity, shall be taken and construed, according to and in conformity with the standards hereby defined and adopted by this state; *provided*, that nothing herein contained shall be construed so as to conflict with an act of the congress of the United States, entitled "An act to authorize the use of the metric system of weights and measures," approved April twenty-eighth, one thousand eight hundred and sixty-six.

Contracts made on the basis of weight or measure, how construed.

Provided.

4. *And be it enacted*, That any person who shall counterfeit, or without authority alter, or with fraudulent or mischievous intent change or deface any weight, scale, measure, beam, or balance, the same having been marked as standard, and to be used for testing and verifying the weights or measures of this state, or of any county of this state, any person

Penalty for altering or counterfeiting

so offending shall be deemed guilty of a high misdemeanor, and on conviction of the same, shall be subject to a fine of not exceeding one thousand dollars, or imprisonment at hard labor not exceeding two years, at the discretion of the court.

Appointment  
of superintendent  
and in-  
spector.

5. *And be it enacted*, That a superintendent and inspector of weights and measures for this state shall be appointed by the governor, by and with the consent of the senate of this state, who shall be a man of sufficient scientific knowledge, and of known integrity and business ability, who shall hold his office during three years, and until a successor is appointed; the certificate of the governor and secretary of state, duly executed, shall be his evidence of authority to enter upon and execute the duties of his office, as hereinafter defined by this act.

Duties of the  
superintend-  
ent.

6. *And be it enacted*, That it shall be the duty of the state superintendent to take charge of the standard weights and measures of the state, and to see that all county and city standards are provided and properly verified, and together with all articles used in connection with the same, be well and carefully used, and that all proper provision be made for their protection from injury or damage, when not in use, and to have and exercise a general supervision of the weights and measures of the state.

Original stand-  
ard furnished  
by the United  
States, how  
used.

7. *And be it enacted*, That the state superintendent of weights and measures shall procure for the state a complete set of copies of the original standard weights and measures adopted by this act, which shall be used by him for adjusting county or city standards, and in no case shall the original standards furnished by the United States to this state, be used for any other purpose than the proof and adjustment of this set of copies (or in case of loss or accident), for replacing the same, or for scientific purposes, on the order, and in the presence of the secretary of state, or state superintendent.

Superintend-  
ent to direct  
device for  
county or city  
standard of  
weights and  
measures.

8. *And be it enacted*, That the state superintendent shall see that there are impressed upon the state, city, and county standard weights and measures the denomination or capacity of each, the emblem of the United States, and of this state, with such other appropriate device as he shall direct for each particular county or city.

County stand-  
ards to be  
kept in the of-  
fice of county  
clerk.

9. *And be it enacted*, That the county standards shall be deposited in the office of the county clerk, who shall be duly authorized and instructed by the state superintendent in regard to testing and verifying weights and measures within



said county, and the county clerk of each and every county in this state so qualified and instructed, shall be furnished with a copy of this act and shall immediately post in his office due notice of his authority and readiness to act as inspector and sealer of weights and measures, and shall advertise the same in two papers in said county, for the month of January in each year.

10. *And be it enacted*, That all expenses justly chargeable to any county in this state, and incurred in and immediately connected with procuring county standards of weights and measures, and noticing and advertising the same in furtherance of the provisions and intentions of this act, shall, on presentation of proper and sufficient vouchers to the county freeholders, be accepted and paid by said county. Expenses to be paid by the county.

11. *And be it enacted*, That the state superintendent, and each and every county or city inspector and sealer of weights and measures in this state shall, before entering upon the performance of any official duties, described or implied in this act, take and subscribe to the following oath, or affirmation: I, ———, do swear (or affirm), that I will not seal or give any certificate of correctness for any scale, weight, or measure, but such as shall, as nearly as possible, agree with the standard in my keeping, as the standard of the state of New Jersey, and of the United States, and that I will, to the best of my ability, execute and discharge truly and faithfully, the trusts reposed in me, so help me God: Which oath or affirmation shall be filed in the office of the secretary of state. Form of oath of office.

12. *And be it enacted*, That the state superintendent of weights and measures shall procure for the state an official seal of suitable form and device, to be used by him during his term of office, and duly surrendered by him to his successor; he shall also provide for himself, and for the use of county inspectors, certificates of proper form and wording, to be attached to scales, weights, or measures which shall have been examined and approved in due form and by proper authority; he shall, also, keep books of record and account in detail of all transactions and expenditures for the state, and for any of the counties in this state, in furtherance of the business and trusts to him confided, and shall, once in each year, render a statement and report to the governor and legislature. State superintendent to have an official seal

13. *And be it enacted*, That the state superintendent of

**Compensation** weights and measures shall receive a salary of \$2,000 per year, to be paid semi-annually, by his draft on the treasurer, countersigned by the state comptroller, and that such additional payments and expenses as he may have properly and legitimately incurred in carrying out the provisions and instructions contained in this act, shall, on his statement of the same properly verified, be examined and audited by the state comptroller, and if approved, the treasurer of the state is hereby authorized and directed to pay the same; *provided also*, that at the expiration of three years the salary shall be \$500 per year.

**Proviso.** **Duty of superintendent.** 14. *And be it enacted*, That the superintendent of weights and measures is duly empowered, in virtue of his office, to inspect, adjust, and seal any hay, coal, grain, or mill scale, or any and all track, weigh lock, railroad, or depot scales, in this state.

**Penalty for fraud.** 15. *And be it enacted*, That any person in this state, who shall after thirty days subsequent to published notice from the county inspector and sealer of weights and measures, as provided in section ninth of this act, be found using any false or fraudulent beam, scale, weight, or measure, and who shall fail or neglect, on written notice of the same from any person aggrieved, or in any way cognizant thereof, to have said imperfect beam, scale, weight or measure duly inspected, and by proper authority adjusted and sealed, or who shall use the same scale, weight, or measure subsequent to said notice, without correction or adjustment as provided in this act, any person so offending shall be liable to an action in law, and penalty of ten dollars for each and every offence; one half to be paid to the complainant, and one half into the educational fund of the county within the limits of which the action was brought.

**Fees of county inspectors.** 16. *And be it enacted*. That the county inspectors and sealers of weights and measures in the several counties of this state shall charge for testing or sealing any beam or scale, the sum of fifty cents, and for each and every weight or measure, ten cents, to be paid by the owner or applicant.

**Avoirdupois weight of certain articles to the bushel.** 17. *And be it enacted*, That the bushel of wheat in this state shall consist of sixty pounds; of rye or Indian corn of fifty-six pounds; of buckwheat, fifty pounds; of barley, forty-eight pounds; of oats, thirty pounds; of flax-seed, fifty-five pounds; of clover-seed, sixty-four pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds; of

beans, sixty pounds; of peas, sixty pounds; of onions, fifty-seven pounds; of dried peaches, thirty-three pounds; of dried apples twenty-five pounds; rated by the standard pound avoirdupois weight.

18. *And be it enacted*, That this act shall take effect immediately, except so far as section nine and fifteen and sixteen, and in respect to them, shall take effect as soon as the county or city inspector of weights and measures shall have been furnished with standard weights and measures, and qualified and instructed as provided in this act. Act when to take effect.

19. *And be it enacted*, That the act and provisions of the same in regard to weights and measures, approved April seventeenth, one thousand eight hundred and forty-six, together with all subsequent acts or supplements relating thereto, shall be, and the same are hereby repealed. Repealer.

Passed March 25, 1872.

## CHAPTER CCCXXXVII.

A Further Supplement to an act entitled "An Act for the punishment of Crimes."

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That if any person or persons maliciously, or without lawful justification, with intent to cause and procure the miscarriage of a woman then pregnant with child, shall administer to her, prescribe for her, or advise or direct her to take or swallow any poison, drug, medicine, or noxious thing, and if any person or persons maliciously, and without lawful justification, shall use any instrument or means whatever with the like intent, shall, on conviction thereof, be adjudged guilty of a high misdemeanor; and if the woman or child die in consequence thereof, shall be punished by fine not exceeding one thousand dollars, and imprisonment at hard labor for a term not less than ten years; and in case the woman or child do not die in consequence thereof, such offender on conviction thereof shall be adjudged guilty of a Penalty for maliciously or without lawful justification causing or procuring the miscarriage of any woman pregnant with child.

misdeemeanor, and be punished by fine not exceeding five hundred dollars and imprisonment at hard labor for a term not less than two years.

Appearance of  
witness may  
be compelled.

2. *And be it enacted*, That any person offending against either of the provisions of this act shall be competent witness against any other person so offending, and may be compelled to appear and give evidence before any magistrate, grand jury, or in any court, in the same manner as other persons; but the testimony so given shall not be used in prosecution or proceeding, civil and criminal, against the person so testifying.

Repealer.

3. *And be it enacted*, That section one hundred and three of the supplement of the act to which this is a further supplement, be and the same is hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

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## CHAPTER CCCXXXVIII.

A Supplement to an act entitled "An Act relative to Bribery," approved March thirty-first, one thousand eight hundred and seventy one.

Provisions ex-  
tended to  
election for  
electors for  
president and  
vice president

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, together with its fines and penalties be extended to elections for electors for president and vice-president of the United States.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCXXXIX.

## An Act to facilitate the opening of Public Roads.

WHEREAS, in many places, especially in the vicinity of our Preamble.  
towns and villages, public roads become necessary, and are  
opened by the owners of lands, without the same being  
regularly laid by the surveyors of the highways, and there-  
fore cannot be put upon record :

1. BE IT ENACTED *by the Senate and General Assembly of* Map or survey  
of road accept-  
ed by town-  
ship commit-  
tee may be  
put on record  
as a public  
highway.  
*the State of New Jersey,* That whenever the owner or owners  
of any land shall open a road of lawful width, and dedicate  
the same to public use as a public highway, and shall deliver  
a declaration of such dedication, together with a map or  
survey of the said road, to the township committee of the  
township in which the said lands may lie, upon the accept-  
tance thereof by the township committee, endorsed thereon,  
the same may be put upon record as a public highway, and  
shall thenceforth be a public highway to all intents and pur-  
poses.

2. *And be it enacted,* That this act shall take effect imme-  
diately.

Approved March 26, 1872.

## CHAPTER CCCXL.

A Further Supplement to the act entitled "An Act respect-  
ing the Orphans' Court, and the power and authority of  
Surrogates," approved April sixteenth, one thousand eight  
hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of*  
*the State of New Jersey,* That in all cases where any executor

Proceedings  
when execu-  
tor or execu-  
tors, &c. have  
filed account  
exhibiting  
balance of any  
estate in his  
or her hands  
at the date of  
filing the  
same.

or executors, administrator or administrators, *cum testamento annexo*, or otherwise, shall have filed any account or accounts, exhibiting the balance of any estate in his, her or their hands, up to the date of filing the same, which said accounts shall have been duly allowed in all things as stated by the decree of the orphans' court of any county of this state; that it shall and may be lawful to and for the orphans' court having cognizance of said accounts, upon the application of any party in interest, to adjust, order and make just distribution in accordance with the directions and provisions of the last will and testament in each case of what shall remain clear after all debts and expenses shall have been allowed and deducted; and the said orphans' court shall have full power to enforce its decree as aforesaid, by attachment, sequestration or other process, and in any and every manner, and with like effect that similar decrees can now be enforced in or by the court of chancery of this state, and reserving and hereby giving to every one feeling aggrieved by any such decree of distribution as aforesaid, the right to appeal to the prerogative court concerning any such decree or the enforcement thereof; *provided*, that if any executor or executors, administrator or administrators, as aforesaid, shall appeal from any such decree of distribution or proceeding in the orphans' court, as aforesaid, for the enforcement of the same, said appeal shall be filed within twenty days next ensuing the date of said decree of distribution, and the appellant with two sufficient sureties, to be approved of by the said orphans' court, shall give a bond to the ordinary of this state, in double the sum adjudged due to the parties entitled to the same, and conditioned to pay such sum, costs, interest and damages accruing by reason of any such appeal, if the said order of distribution and enforcement be affirmed.

Proviso.

Proceedings  
where persons  
have a life in-  
terest in pro-  
perty be-  
queathed.

2. *And be it enacted*, That whenever personal property is bequeathed to any person for life, or for a term of years, or for any other limited period, or upon a condition or any contingency, the executor or executors of any last will and testament, or any administrator or administrators *cum testamento annexo*, or otherwise, shall not be compelled to pay or deliver the property so bequeathed to the person or persons having any such life interest, or other interest, as aforesaid, until security shall be given in the orphans' court, having jurisdiction of any such executor's or administrator's accounts as aforesaid, and in such sum and form

as in the judgment of the said orphans' court shall sufficiently secure the interest of the person or persons entitled in remainder, whenever the same shall accrue or vest in possession; but in no case or event, where the person or persons next immediately in remainder shall be the lineal descendant of any such life tenant, or person having any limited estate as aforesaid, and said executor or executors, administrator or administrators as aforesaid, shall not have filed any security, shall such life tenant or other person having said limited interest or estate as aforesaid, be required to give security, as hereinbefore provided for, in a greater sum than fifty thousand dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

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## CHAPTER CCCXLI.

Supplement to an act entitled "An Act respecting the Orphans' Court and the power and authority of surrogates," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the thirteenth section of the act to which this is a supplement, be and the same are hereby extended to all cases of trustees heretofore or hereafter appointed by the said orphans' court, who after such appointment have died or may die, or who neglect or refuse to act. Trustees appointed by orphans' court.

2. *And be it enacted*, That in case any trustee heretofore or hereafter appointed by the said court under said act, shall desire to be relieved from the further execution of such trust, and shall signify such desire by notice in writing to the surrogate of such county, then it shall and may be lawful for the said court, if deemed proper and safe, to appoint some suitable person in the place and stead of the person so de- Proceedings when trustee desires to be relieved from execution of trust.

siring to be relieved, and the said person so appointed shall give bond as required by the said act of the person first appointed, and the said trustee so relieved shall, on demand, turn over to his successor all moneys, securities, vouchers, papers and everything in his hands appertaining to the said trust, whose receipt therefor duly acknowledged, shall be a final discharge to the trustee so relieved and his sureties.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

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#### CHAPTER CCCLXXXIV.

A Supplement to an act entitled "A Further Supplement to 'An Act to incorporate Trustees of Religious Societies,' approved April seventeenth, eighteen hundred and forty-six," which further supplement was approved March twenty-ninth, eighteen hundred and sixty-nine.

Preamble.

WHEREAS, the Young Men's Christian Association, of the city of Elizabeth, is now incorporated under the act to which this is a supplement, and it is desirable to enlarge and increase its powers; therefore,

Directors to  
be managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the business affairs, transactions and estate of the said corporation, shall not be managed by the board of trustees as provided in the act to which this is a supplement, but by the board of directors of the said association, their associates and successors, who shall have all the power in their corporate name, that is given to the board of trustees by said act to which this is a supplement.

Election of di-  
rectors.

2. *And be it enacted*, That the successors to the present board of directors shall be elected in accordance with the provisions of the constitution of the said association as it now is or may be amended from time to time; *provided*, that at all elections for directors under this law, ten days notice in writing, set up at the regular place of meeting in plain

Proviso.



view, shall be given, and it shall be lawful at such meeting to elect any number of directors, or fill vacancies in the said board of directors as required and provided for in the constitution of the association; *provided*, that the whole number of directors shall not exceed fifteen. Proviso.

3. *And be it enacted*, That the constitution and by-laws of the said association now in force, with such alterations and amendments as may be made from time to time by the said association, not inconsistent with the objects of the association or the laws of this state, shall continue to be the constitution and by-laws of the said association. Constitution and by-laws.

4. *And be it enacted*, That the objects of this association shall be the improvement of the spiritual, mental and social condition of young men and other persons, by means of lectures, sermons, reading-rooms and social meetings, and by such other means as the board of directors shall desire. Objects.

5. *And be it enacted*, That the said association by its corporate name shall have power to take by purchase, gift, devise or bequeath, and to hold, convey, sell, and dispose of any real or personal estate, money, goods, chattels, or other property, for the use of the said association, not exceeding in value one hundred thousand dollars, and said property to the amount of ten thousand dollars shall be exempt from state, county and municipal taxes. May hold and convey real estate.

6. *And be it enacted*, That any of the young men's christian associations of this state are hereby authorized by a majority of the votes cast at a meeting of the association held in their regular place of meeting, called in the same way as meetings for the election of directors are provided for in this act, to adopt all the provisions of this act, and fully to carry out the same, to all intents and purposes, in their respective associations, adopting their own name and constitution and by-laws; a copy of the resolution declaring any association incorporated under this law, with the names of the first board of directors elected after accepting the same, together with a copy of the official seal of the said association, certified to be correct, under oath, by the officers of the meeting or meetings when said resolution was adopted, directors elected, and seal adopted, shall be filed in the office of the clerk of the county in which said association is located. Certificate of incorporation to be filed with clerk of county in which association is located.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same Repealer.

are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLXXXVIII.

An Act to defray incidental expenses of New Jersey Legislature for the session of eighteen hundred and seventy-one.

Treasurer to make payment, upon the warrant of the comptroller, of incidental expenses for the year eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz :

Item No. 1. To Ivins and Mount, carriage hire for governor to asylum and state prison, nine dollars and fifty cents,	\$9 50
Item No. 2. To Thomas R. Dyer, for coach furnished committee on soldiers' children's home, sixteen dollars,	16 00
Item No. 3. To Thomas R. Dyer, for coach furnished committee on state's prison, four dollars,	4 00
Item No. 4. To Thomas R. Dyer, for coaches furnished committee on lunatic asylum, eighty dollars,	80 00
Item No. 5. To Ivins and Mount, for coaches furnished committee on soldiers' children's home, fifty-six dollars,	56 00
Item No. 6. To Ivins and Mount, for coaches furnished committee on state's prison, eight dollars,	8 00
Item No. 7. To Ivins and Mount, for coach furnished committee on soldiers' children's home, eight dollars,	8 00
Item No. 8. To Ivins and Mount, for coaches furnished committee on soldiers' children's home, forty-eight dollars,	48 00
Item No. 9. To Ivins and Mount, for coach furnished committee on state prison, four dollars,	4 00

Item No. 10. To Ivins and Mount, for coach furnished committee on lunatic asylum, eight dollars,	\$8 00
Item No. 11. To A. H. Rickey, for parchment roll for oath of members of senate and general assembly, twenty-five dollars,	25 00
Item No. 12. To Murphy and Bechtel, for stationery furnished clerk of assembly, seventy-eight dollars and twenty-five cents,	78 25
Item No. 13. To Murphy and Bechtel, for stationery furnished clerk of assembly, one hundred and six dollars and seventy cents,	106 70
Item No. 14. To Murphy and Bechtel, for stationery furnished clerk of assembly, one hundred and fifteen dollars and fifty cents.	115 50
Item No. 15. To Murphy and Bechtel, for stationery furnished to secretary of senate, one hundred and forty-eight dollars and seventy-five cents,	148 75
Item No. 16. To William T. Nicholson, for stationery furnished to door-keeper in house of assembly, one hundred and eight dollars,	108 00
Item No. 17. To John P. Lansing, for advertising incidental expenses, account of legislative session one thousand eight hundred and seventy-one, five dollars,	5 00
Item No. 18. To Murphy and Bechtel, for stationery furnished secretary of senate, two hundred and ten dollars,	210 00
Item No. 19. To William T. Nicholson, for stationery furnished secretary of senate, seventy-five dollars and fifty cents,	75 50
Item No. 20. To John Torrey, jun., for expenses incurred in contested election case, Hooper vs. Torrey, one thousand dollars,	1,000 00
Item No. 21. To Murphy and Bechtel, for stationery furnished secretary of senate, one hundred and seventy-eight dollars and fifty cents,	178 50
Item No. 22. To A. M. Johnston, for minute books furnished for house of assembly, forty-two dollars,	42 00
Item No. 23. To Naar, Day and Naar, for making books for clerk of house of assembly, thirty dollars and seventy five cents.	30 75

## GENERAL PUBLIC LAWS.

Item No. 24. To Murphy and Bechtel, for stationery furnished clerk of house of assembly, fifteen dollars and ninety cents,	\$15 90
Item No. 25. To Ivins and Mount, for coach furnished committee on soldiers' children's home, five dollars,	5 00
Item No. 26. To Charles Scott, for stationery furnished engrossing clerk of house of assembly, one hundred and forty seven dollars and ninety-seven cents,	147 97
Item No. 27. To Charles Scott, for stationery furnished engrossing clerk of senate, one hundred and eighty-three dollars and forty cents,	183 40
Item No. 28. To John P. Lansing, for services as clerk of incidental committee, fifty dollars,	50 00
Item No. 29. To John F. Babcock, for rent of office and furniture for the secretaries of the senate for eighteen hundred and seventy-one, one hundred dollars,	100 00
Item No. 30. To Murphy and Bechtel, for books furnished clerk of house of assembly, thirty-seven dollars and fifty cents,	37 50
Item No. 31. To Murphy and Bechtel, for books furnished clerk of senate, thirty-seven dollars and fifty cents,	37 50
Item No. 32. To Edward D. Fox, for extra services rendered in executive department during the session of one thousand eight hundred and seventy-one, one hundred dollars,	100 00
Item No. 33. To S. M. Dickinson, for services as master in chancery, drawing and taking affidavits to amounts presented and paid at the office of comptroller, to facilitate the business of said office from July first, one thousand eight hundred and sixty-six to April first, one thousand eight hundred and seventy-one, two hundred and fifty dollars,	250 00
Item No. 34. To H. P. Arnel, for services rendered in treasurer's office from January first, one thousand eight hundred and seventy, to March twenty-fifth, one thousand eight hundred and seventy-one, two hundred and fifty dollars,	250 00
Item No. 35. To George T. Dudley, for stationery furnished sergeant-at-arms of senate, one hundred and seven dollars and ten cents,	107 10

Item No. 36. To George T. Dudley, for stationery furnished the officers and members of the senate, five hundred and ten dollars, \$510 00

Item No. 37. To John P. Lansing for services rendered to the joint committee on treasurer's accounts, one hundred dollars, 100 00

Item No. 38. To George T. Dudley, for stationery furnished assistant clerk of assembly, forty-six dollars and fifty-five cents, 46 55

Item No. 39. To George T. Dudley, for stationery furnished sergeant-at arms of house of assembly, two hundred and eleven dollars and fifty-five cents, 211 55

Item No. 40. To George T. Dudley, for stationery furnished clerk of house of assembly, one hundred and forty-four dollars and thirty-one cents. 144 31

Item No. 41. To George T. Dudley, for stationery furnished engrossing clerk of house of assembly, one hundred and seventeen dollars and eighty-five cents, 117 85

Item No. 42. To George T. Dudley, for cancelling stamp for engrossing clerk of senate, eight dollars, 8 00

Item No. 43. To John H. Knapp, for gold pens and pencils furnished legislature 1869, 464 00

Item No. 44. To R. M. Jordan, for stationery furnished members of senate, two hundred and ten dollars, 210 00

Item No. 45. To E. King, for reporting addresses to senate in assembly chamber, evening of March first, one thousand eight hundred and seventy-one, twenty-five dollars, 25 00

Item No. 46. To B. F. Coles, for rent of office and furniture for engrossing clerk of house of assembly, one hundred and eleven dollars and thirty cents, 111 30

Item No. 47. To Trenton Gas Light Company, for gas bill for engrossing clerk of house of assembly, two dollars and forty cents, 2 40

Item No. 48. To James Moore, for rent of office and furniture for the engrossing clerk of the senate for eighteen hundred and seventy-one, one hundred dollars, 100 00

Item No. 49. To Murphy and Bechtel, for stationery furnished as per bill rendered the house of assembly, three hundred and sixty dollars and forty cents,

\$360 40

Item No. 50. To the officers of the senate and general assembly, including G. W. Jenkins and John F. Joline, who are to be regarded by the disbursing officers of the state treasury as the journal clerks of the two houses of the legislature for the session of 1871, for extra services, an additional compensation of twenty per centum upon their salaries for the session of eighteen hundred and seventy-one.

Item No. 51. To William H. Wilson for extra services as page to president of the senate, one hundred dollars,

100 00

Item No. 52. To Jeremiah Dally, as librarian, for extra services during session of legislature

200 00

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 27, 1872.

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## CHAPTER CCCXC.

A Further Supplement to the act entitled "An Act to regulate Elections," approved April sixteenth, anno domini one thousand eight hundred and forty-six.

Congressional districts. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the house of representatives of the United States, this state shall be divided into seven districts, as follows, to wit :

First district. I. The counties of Camden, Cape May, Cumberland, Gloucester, and Salem, shall constitute and be called the "first district ;"

Second district. II. The counties of Atlantic, Burlington, Mercer, and Ocean shall constitute and be called the "second district ;"

III. The counties of Monmouth, Middlesex, and Union Third district. shall constitute and be called the "third district ;"

IV. The counties of Hunterdon, Somerset, Sussex, and Warren Fourth district. shall constitute and be called the "fourth district ;"

V. The counties of Bergen, Morris, and Passaic shall constitute and be called the "fifth district ;" Fifth district.

VI. The county of Essex shall constitute and be called the "sixth district ;" Sixth district.

VII. The county of Hudson shall constitute and be called the "seventh district." Seventh district.

2. *And be it enacted*, That each of said districts shall elect one person to represent this state in the house of representatives of the United States ; which election shall be held on the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November in each second year thereafter, until congress shall otherwise provide. Time of holding election.

Approved March 27, 1872.

## CHAPTER CCCXCI.

### An Act for the support of the State Reform School for Boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support of the state reform school for boys, the maintenance and instruction of its pupils, and some needful improvements to the farm, the sum of twenty thousand dollars be and the same is hereby appropriated, which sum the treasurer of the state is hereby directed to pay to the trustees of the school, upon the warrant of the comptroller. Amount of appropriation.

2. *And be it enacted*, That in case any boy under the age of sixteen years, shall have been sentenced, after conviction in any county court to imprisonment in the jail thereof, or in the state prison, it shall be lawful for any justice of the supreme court on complaint of any citizen, to constitute a summary examination, and if he shall be satisfied that he is a Justice of the supreme court may commit to the reform school.

suitable subject for the reform school, to commit him thereto by warrant, as in other cases provided.

8. *And be it enacted*, That this act shall go into effect immediately.

Approved March 27, 1872.

## CHAPTER CCCXCII.

An Act entitled "An Act to repeal an act entitled 'A supplement to the act entitled an act relative to the probate of wills from other or foreign States,' " approved March twenty-eighth, one thousand eight hundred and sixty-six.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to the act entitled 'An Act relative to the probate of wills from other or foreign states,' " approved March twenty-eighth, one thousand eight hundred and sixty-six, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCXV.

A Supplement to the act entitled "An Act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, one thousand eight hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of the senate and



clerk of the house of assembly, the assistant secretary of the senate and assistant clerk of the house of assembly, the engrossing clerks and journal clerks of both houses, the sergeants-at-arms and door keepers of both houses, the keepers of the galleries of both houses, the pages and private secretaries of the president of the senate and speaker of the house of assembly, shall receive the same compensation as was received by the officers of the legislature of the same grades for the session of one thousand eight hundred and seventy-one.

Compensation  
to legislative  
officers.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 29, 1872.

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## CHAPTER CCCCXVI.

Supplement to an act entitled "An Act for the better preservation of the Early Records of the State of New Jersey."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be appropriated by the state to procure copies of colonial documents, papers and minutes of council, directly referring to the history of the provinces of East and West Jersey and of New Jersey, now on file in the state paper office, in London, England, the said documents, papers and minutes to be procured, and said sum to be expended under the direction of the New Jersey Historical Society, and paid to them by the treasurer of this state on their order for that purpose, the same to be placed in the state library.

Appropriation  
for procuring  
copies of colo-  
nial docu-  
ments, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXXXIII.

A Further Supplement to an act entitled "An Act to prevent the taking of unlawful toll or fare on Canals and Railways," passed March twelfth, eighteen hundred and thirty-nine.

Preamble.

WHEREAS, The evils recited in the preamble of the act of which this is a supplement, have greatly increased since the passage of said act; therefore,

Penalty for taking unlawful toll or fare by incorporated companies

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That any incorporated company or companies in this state which is or are, or shall be authorized by law to take toll, or to charge for the transportation of passengers, goods, wares, or merchandise, which shall, directly or indirectly, through or by any agent, director, or other officer whatever, take or demand of any passenger or person, under any pretence whatever, more than the charge, toll rates, or fare allowed by law, shall forfeit and pay the sum of one hundred dollars for each and every such offence, to be recovered in an action of debt, by any person who may sue for the same, the one-half to the prosecutor, and the other half to the use of the state, before any court of competent jurisdiction, together with the costs of prosecution.

Pending suits not to be affected.

2. And be it enacted, That all penal suits now pending in any of the courts of this state, whether pending under the said act, passed March twelfth, eighteen hundred and thirty-nine, or under the act amendatory thereof, approved March seventeenth, eighteen hundred and seventy, shall, each and all of them, be determined under the law as it stood at the time said penal suits or actions were commenced, and all penalties and forfeitures under either the said act, passed March twelfth, eighteen hundred and thirty-nine, or under the said act amendatory thereof, shall be recoverable as fully, to all intents and purposes, as though no subsequent amendment or repeal of either of said acts by any law or laws of this state had been made or enacted.

Repealer.

3. And be it enacted, That the act entitled "A supplement to an act to prevent the taking of unlawful toll or fare on

canals and railways," passed March twelfth, eighteen hundred and thirty-nine, and which said supplement was approved April sixth, eighteen hundred and seventy-one, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1872.

#### CHAPTER CCCCXXXIV.

Supplement to an act entitled "An act to increase the School Fund of this State," passed April sixth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all leases which shall hereafter be made of lands belonging to the state, now or formerly lying under water, or which have been made since the sixth day of April, 1871, shall be transferred to the trustees of the school fund of this state, and become a portion of the free school fund; and that the annual income arising from said leases shall be distributed by the said trustees for the support of free public schools, in the same manner that other moneys are now distributed for that purpose.

Money for  
leases of lands  
under water  
to be a portion  
of the free  
school fund.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCLXXXV.

A Supplement to an act entitled "An Act to regulate Fences," approved January twenty-third, seventeen hundred and ninety-nine.

Damages by  
trespass, how  
appraised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That damages by trespass of persons or animals shall be appraised by parties owning a class of property similar to that damaged, unless otherwise agreed upon between plaintiff and defendant.

Approved April 8, 1872.

## CHAPTER CCCCLXXXVI.

A Supplement to an act entitled "An Act to provide additional accommodation for the insane of this State," approved March thirty-first, one thousand eight hundred and seventy-one.

The selling of  
liquor on land  
owned by the  
state for the  
accommoda-  
tion of the in-  
sane, prohib-  
ited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for any person or persons to sell, or cause or knowingly permit to be sold, directly or indirectly, any malt, vinous, spirituous or intoxicating liquors, or any composition of which such liquors, or any of them shall form the chief ingredient, within the grounds owned by the state, nor on any other lands or place lying and being within one mile of the boundary of the grounds owned by the state for the accommodation of the insane, and any person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars for the first offence, and not less

than one hundred dollars for each subsequent offence together with the costs of prosecution.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXXXVIII.

A Further Supplement to the act entitled "An Act to establish a system of Public Instruction," approved March twenty-first, eighteen hundred and sixty-seven.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the support of the normal school, and for carrying out the purposes of the act to which this is a further supplement, the annual sum of fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of this state on the warrant of the comptroller. Appropriation for support of normal school.

2. *And be it enacted*, That the sixtieth section of the act to which this is a further supplement, be and the same is hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 3, 1872.

## CHAPTER CCCCLXXXIX.

An Act granting the consent of the State of New Jersey to the purchase by the United States, of certain lands for the purpose of the erection of a government building, at Trenton, New Jersey, and ceding jurisdiction over the same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the consent of the state of

Consent of the  
state to the  
purchase of  
land by the  
United States.

New Jersey is hereby given to the purchase, by the United States, of one or more pieces of land situate in the city of Trenton, not exceeding one acre in quantity, on which to erect a government building; and the said United States shall have, hold, use, occupy and own the said land or lands, when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Jurisdiction  
ceded.

2. *And be it enacted*, That the jurisdiction of the State of New Jersey in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be, and the same hereby is ceded to the United States, but the jurisdiction hereby ceded, shall continue no longer than the said United States shall own the said land or lands.

Consent and  
jurisdiction  
ceded condi-  
tionally.

3. *And be it enacted*, That the said consent is given, and the said jurisdiction ceded upon the express condition that the State of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue, under the laws or authority of the state of New Jersey, against any person or persons charged with crimes, misdemeanors, committed within said state, may be executed therein, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Exemption  
from taxes,  
&c.

4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands, by purchase or grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

Penalty for  
injury to  
grounds or  
building.

5. *And be it enacted*, That any malicious, wilful, reckless or voluntary injury to or mutilation of the grounds, building, or appurtenances shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offence, imprisonment, not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCXC.

A Supplement to the act entitled "An Act to increase the revenue of the State," approved March thirty-first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to increase the revenue of the state, approved March thirty-first, one thousand eight hundred and sixty-nine, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall be a public act, and shall have immediate effect.

Approved April 3, 1872.

## CHAPTER CCCCXCI.

A Further Supplement to the act entitled "An Act to establish a system of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the school year, so far as regards the state normal school, shall hereafter terminate on the last day of June. Day when normal school year shall terminate.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCXCIV.

A Supplement to the act entitled "An Act to appoint Commissioners to erect an addition and make repairs to the State House," approved March thirty-one, eighteen hundred and seventy-one.

Appropriation  
for comple-  
tion of addi-  
tion, &c.  
to state house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be appropriated the additional sum of one hundred and twenty thousand dollars, to be expended by the said commissioners named in the act to which this is a supplement, for the completion of the addition and repairs to the state house, and for resetting the fence and flagging on Delaware street.

Appropriation  
for executive  
and court  
rooms.

2. *And be it enacted*, That there be appropriated the further sum of three thousand dollars for furnishing and fitting up in a suitable manner the executive chamber and suite of rooms, to be expended under the direction of the governor; and that there be further appropriated the sum of two thousand dollars, to be expended for furnishing and fitting up the court of chancery and ante-rooms, under the direction of the chancellor; and that there be appropriated the further sum of two thousand dollars, to be expended for finishing and fitting up the supreme court and ante-rooms, under the direction of the chief justice; and the further sum of two thousand dollars for furnishing and fitting up the several offices on the first floor of the east wing, to be expended as aforesaid; and that the comptroller and treasurer be associated with the said commissioners in carrying out the provisions of this section.

Comptroller  
and treasurer  
to act with  
commission-  
ers.

Commission-  
ers to account  
to comptroller  
for expendi-  
tures.

3. *And be it enacted*, That the comptroller shall, from time to time, draw his warrants upon the treasurer in favour of said commissioners, for such sum or sums as shall be necessary for the purposes aforesaid; and the said commissioners shall account to the said comptroller for the expenditures aforesaid, as required in the act to which this is a supplement.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.



## CHAPTER CCCCXCVI.

## An Act relating to the National Cemetery at Antietam.

WHEREAS, the legislature of this state, by joint resolution, <sup>Preamble.</sup> approved April fourth, eighteen hundred and sixty-six, provided for the removal and deposit in the cemetery at Antietam, of the remains of the soldiers from this state, who were interred on the battlefield of Antietam, or the fields of other battles fought in that part of Maryland, limiting the expense therefor to the sum of five thousand dollars; and whereas, the purposes of said resolution have been accomplished at an expense of two thousand eight hundred and forty-six dollars and forty cents; and whereas, it is proposed by the trustees of the Antietam National Cemetery to erect a monument in said cemetery to the memory of the soldiers from the various states of the Union whose bodies are there interred :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be <sup>Treasurer to pay portion of unexpended balance to the trustees of national cemetery.</sup> and is hereby directed to pay to the trustees of the Antietam National Cemetery, upon the warrant of the state comptroller, such portion of the unexpended balance of the said five thousand dollars, toward the erection of said monument, as the governor may deem to be the proper contribution of this state, compared with other states contributing to the same object.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER CCCCXCVII.

Supplement to an act entitled "An Act to establish a uniform standard of weights and measures for this state, and to provide for the appointment of a State Superintendent and Inspector of the same," passed March twenty-fifth, one thousand eight hundred and seventy two.

Superintendent of weights and measures shall procure for each county a surveyor's chain of standard measurement. 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That in addition to the duties as defined in section six of said act, the state superintendent shall procure for and at the expense of each and every county in this state a surveyor's chain of standard measurement, which shall for purposes of proof and verification be kept in the office of the county clerk for each and every county, and by him to be used to compare and prove all chains used or to be used for measuring or surveying land; and the said clerk shall be entitled to receive from the applicant the sum of fifty cent for each chain by him proved and sealed.

Chain to be compared and proved.

2. And be it enacted, That every surveyor in any county in this state shall, and is hereby required, within sixty days after notice as provided in section nine of the act to which this is a supplement, to prove any chain used or to be used by him or any other person in surveying land in this state, and to have the same sealed as correct, and thereafter to have the same compared and proved as often as once in two years.

Salary of superintendent

3. And be it enacted, That the salary of the state superintendent and inspector of weights and measures shall be reduced for the second year to one thousand dollars, and for the third year and thereafter to five hundred dollars per year and that so much of said act to which this is a supplement in regard to the salary named therein as is inconsistent with this act be, and the same is hereby repealed.

4. And be it enacted, That this be regarded as a public act, and to take effect immediately.

Approved April 4, 1872.

## CHAPTER CCCCXCVIII.

An Act making an appropriation to furnish books for the Blind of this State.

WHEREAS, there has been established at Louisville, Kentucky, <sup>Preamble.</sup> by an act of the legislature of said state, a company known as the "American Printing House for the Blind," the purpose of which is to print and publish books in raised letters, for the use of the blind in the United States; and whereas, section seventh of the charter of the said American Printing House provides, "that every school for the blind, located in a state whose legislature or citizens contribute to the funds of the American Printing House, shall, in proportion to the funds contributed, be entitled to copies of every book published by said house, to be distributed gratuitously to such blind persons as are unable to purchase them;" and whereas, it is both proper and desirable that the citizens of the state of New Jersey should share the burdens and benefits of this institution; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Advisory board.</sup> *the State of New Jersey,* That Marcus L. Ward, Frederick T. Frelinghuysen and Theodore F. Randolph, of this state, be and the same are hereby constituted an advisory board, to advise and co-operate with any auxiliary society or executive board for the state of New Jersey, of the said American Printing House, in raising funds to be expended in furnishing the works of the printing house to such of the blind of said state as are unable to purchase them; and any vacancy occurring in said advisory board by death, resignation, or otherwise, shall be filled by the remaining members of said board.

2. *And be it enacted,* That the sum of five thousand dollars, <sup>Amount of appropriation.</sup> of any money in the state treasury not otherwise appropriated, be placed in the hands of the aforesaid board, the interest only of which sum shall be used, each and every year, for the purchase of books and other appliances for the blind from the aforesaid American Printing House, at the exact cost of manufacture; which books and appliances so purchased shall

be distributed gratuitously, from time to time, by said board, among the indigent blind of the state of New Jersey.

Approved April 4, 1872.

## CHAPTER CCCCXCIX.

An Act relative to the Law Reports of New Jersey.

Treasurer to  
purchase  
copies of law  
reports that  
may be re-  
printed.

Proviso.

Treasurer  
shall pay for  
such reports  
out of moneys  
in the state  
treasury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any of the law reports of this state shall be reprinted, it shall be lawful for the state treasurer to purchase two hundred copies of such reports at the same price, and to be distributed in the same manner as the law and chancery reports are now purchased, paid for and distributed; *provided*, that such reports shall be published under the direction and supervision of such person as the chief justice of the supreme court may appoint.

2. *And be it enacted*, That the state treasurer shall pay for such reports, on the delivery thereof, out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER D.

A Supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this supplement, it shall be, and it is hereby made the duty of the chosen freeholders or freeholder, in each and every township of this state, to make out and file with the township committee of their respective townships, a full, detailed and correct account and statement of all moneys expended by them or appropriated in their respective townships under and by direction of the board of chosen freeholders of their respective counties, for the year then elapsed, for the construction or repair of bridges or other county purposes, which statement or account of said expenditure shall be filed as aforesaid by said chosen freeholders or freeholder with said township committee, at least ten days before the annual town meeting held in each of said townships, under a penalty of fifty dollars for each omission of said duty, to be recovered of such delinquent officers by action of debt, to be brought by and in the name of said township for the use thereof.

2. *And be it enacted*, That it shall be the duty of the township committee of each of the townships in this state to read said statement and account so filed with them as aforesaid to the inhabitants of said township, when assembled by law in their annual town meetings, and to file the same among the township records with the clerk thereof.

Approved April 4, 1872.

## CHAPTER DL.

A Supplement to the act entitled "An Act concerning Roads," approved April sixteenth, eighteen hundred and forty-six.

Preamble.

WHEREAS, it is represented that overseers of the highways sometimes neglect or refuse to make and keep open necessary gutters, drains or ditches in their respective road districts, by reason of which neglect or refusal the water accumulates in said districts and overflows and injures the property of land owners in the adjoining townships or wards; for remedy whereof,

Court of common pleas to appoint chosen freeholders to view land or road injured by flow of water, and to make report to clerk of county.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That if any land in any township or ward of this state, or any street or road, shall be injured by a flow of water in consequence of the refusal or neglect of the overseer or overseers of the highways in an adjoining township to cut, make and keep open necessary gutters, drains or ditches in his or their road district to draw off the water from his or their district, the owner of said land, or overseer or street commissioner of the road or street so injured, may present a petition to the court of common pleas in which said road district is located, setting forth the facts under oath or affirmation, and thereupon said court shall appoint three of the chosen freeholders in said county, not residing in said townships or wards, who first having taken an oath or affirmation to act faithfully and impartially in the premises, shall proceed to view said road district and inquire into said injury on their own view, or by the testimony of witnesses, and if in their opinion the facts stated in said petition are true, they shall designate in writing where necessary gutters, drains or ditches shall be made in said road district to convey or draw off the water from the highway with the least disadvantage to the owner of the land, and make their report in writing to the clerk of said county, who shall file and record the same; and if thereafter said overseer or overseers shall wilfully refuse or neglect to cut, make, cleanse and keep open such gutters, drains and ditches so

Penalty for neglect.

designated, the said township in which said road district is located, shall be liable in damages to any land-owner of an adjoining township or ward, or to the adjoining township or ward for any injury sustained by reason of such neglect or refusal.

2. *And be it enacted*, That any person or persons, townships or wards, may, within sixty days, appeal from the decision of said freeholders to the court of common pleas of said county, who shall give final judgment on the same. Appeal may be made.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXXVIII.

A Further Supplement to an act entitled "An Act to establish a system of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the state superintendent of public instruction shall (unless the state board of education shall, for good cause shown, otherwise direct) have power, and it shall be his duty to direct and cause the county collector of any county to withhold from any county superintendent any portion of his salary, until he has fully complied with the provisions of the act to which this is a supplement, or any of its supplements relating to his duties; and (unless the state board of education shall, for good cause shown, otherwise direct) it shall be his duty to direct and cause the county superintendent of any county, or any board of trustees or school officers, to withhold from any officer, or district, or teacher, that part of the state appropriation derived from the revenue of the state, until such officer, district, or teacher, shall have complied with the provisions of the act to which this is a supplement, or any of its supplements, relating to his, its, or their duties, and with all the rules and regulations Powers and duties of the state superintendent of public instruction.

made in pursuance of any of these acts by the state board of education; and by and with the advice and consent of the state board of education, he shall have power, and it shall be his duty to suspend or revoke the license of any teacher, when the county superintendent shall make formal report that such teacher does not possess the attainments or qualifications which are essential to his office, or that the school or department of a school under the charge of such teacher is suffering from his or her incompetency, or from his or her failure or inability to govern or instruct the children who are under his or her care.

Appointment  
of county su-  
perintendents

2. *And be it enacted*, That the state board of education shall appoint the county superintendents of the several counties in the state, subject to the approval of the board of chosen freeholders of the several counties, but in all cases where a month elapses and no action is taken by any board of chosen freeholders approving or disapproving, then the appointments made by the state board shall be valid without such approval.

Annual meet-  
ing to be held.

3. *And be it enacted*, That the state association of school superintendents shall meet annually, at such time and place as the state board of education may appoint, and at such other times and places as they may agree upon.

Township  
boards of trus-  
tees to meet  
semi annually

4. *And be it enacted*, That the township boards of trustees of the several townships of this state shall meet semi annually at such times and places as the county superintendent may appoint.

Board of trus-  
tees may bor-  
row money  
for purpose of  
repairs, &c.

5. *And be it enacted*, That in addition to the duties prescribed by the third subdivision of the thirty-ninth section of the act of which this is a supplement, the board of trustees shall have power to build, repair or improve school buildings and to borrow money, or incur a debt or debts for such purposes, as they may be directed by a majority of the legal voters present at any legally called meeting of the district and that, wherever in the act to which this is a supplement or the supplements to which this is a further supplement, requires two-thirds of those present to empower the trustees to do certain acts, shall be so amended that a majority of those present, upon due notice given, shall be sufficient to empower the trustees to do all acts that it now requires two thirds to agree to.

6. *And be it enacted*, That the applicants for admission to the normal school shall give on admission a written oblig



tion, signed with their own hands, that their object in seeking admission to the school is to qualify themselves for the employment of public school teachers, and that it is their intention to engage in that employment in this state for at least two years, or refund to the state the cost of their tuition; and, in addition to the annual sum appropriated for the support of the normal school, there is hereby appropriated annually the sum of five thousand dollars, to be paid out of the treasury of the state in like manner, which shall constitute a scholarship fund, to be applied as follows: there shall be fifty scholarships of one hundred dollars each, two of which shall be allotted to each county, to be competed for by the pupils in the normal school from that county; and the remainder shall be open to free competition by pupils in the normal school from the state at large; the competitive examinations above mentioned shall be conducted by the principal of the state normal school and his assistants; *provided*, Appropriation to constitute a scholarship fund. Proviso. that scholarships shall be awarded to those pupils only who shall first enter into a satisfactory bond to the treasurer of the state, obligating themselves to teach in the public schools of this state for the term of five consecutive years, or to refund the amount paid them upon a failure to do so from any cause save continued sickness or death.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXXIX.

A Further Supplement to an act entitled "An Act to authorize an extension of the State Prison," approved April second, one thousand eight hundred and sixty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of finishing the new or east wing of the state prison, and defraying the expenses already incurred in connection therewith, the sum of twenty-eight thousand and seven hundred dollars, be and Appropriation to state prison

the same is hereby appropriated to be paid on the warrant of the comptroller to the board of supervisors as they may direct.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXXX.

An Act making an appropriation for the repairing of the Surveyor General's Office of the Eastern Division of New Jersey.

Preamble.

WHEREAS, the building now occupied by the surveyor general of the eastern division of New Jersey, contains many important titles and other valuable papers connected with the early settlement and location of lands in this state; and whereas, it is virtually important to keep and preserve the same; and whereas, the said building needs repairing to make it a safe and proper place for the purposes designated; therefore,

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one thousand dollars be and the same is hereby appropriated for the purpose set forth in the preamble of this bill, and that the treasurer of this state be and is hereby authorized and required to pay to the treasurer of the said eastern division of New Jersey the aforesaid sum of one thousand dollars out of any moneys of the state not otherwise appropriated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXXXI.

A Supplement to the act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company organized for all or any one or more of the purposes mentioned in a supplement to said act, approved February twenty-fifth, eighteen hundred and fifty-two, may mortgage their lands, and any term for years they may have or may acquire in any lands or franchises, to secure any bonds of said company which may be issued, which they are hereby authorized to issue, to carry on their business, or to execute any franchises they may possess or acquire by contract, either in fee simple or for a less estate, which they are hereby authorized to acquire by contract as aforesaid, or to construct their works or to acquire any real estate or other property useful to carry out the objects of the corporation. may mortgage lands for terms of years, and acquire lands or franchises.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXXXII.

An Act to defray incidental expenses of New Jersey Legislature for the session of eighteen hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the trea-

Treasurer to  
pay incidental  
expenses of  
legislature for  
session of  
eighteen hun-  
dred and sev-  
enty-two.

surer of this state to pay, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, viz:

No. 1. To George Dudley, for stationery for house of assembly, certified to by sergeant-at-arms, three dollars and sixteen cents,	\$3 16
For stationery for house of assembly, certified to by engrossing clerk, one hundred ninety-three dollars and eighty-five cents,	193 85
For mucilage for house of assembly, certified to by clerk of house, fourteen dollars and seventy-five cents,	14 75
For stationery for senate, certified to by sergeant-at-arms of senate, one hundred and thirty-six dollars and ninety cents,	136 90
For stationery for senate, certified to by engrossing clerk of senate, one hundred and eighty-one dollars eighty cents,	181 80
For stationery for house, certified to by clerk of house, three dollars and sixty cents,	3 60
For stationery for house of assembly, certified to by speaker, fifteen dollars and seventy-five cents,	15 75
For stationery for house of assembly, certified to by sergeant-at-arms, one hundred fourteen dollars and thirty cents,	114 30
For stationery for house of assembly, certified to by sergeant-at-arms, ninety dollars twenty-five cents,	90 25
No. 2. Ivins & Mount, for coaches furnished members of legislature, certified to as follows:	
By Thomas Beesley, ninety-five dollars,	95 00
By Henry Irick, one hundred and fourteen dollars,	114 00
By Thomas Beesley, thirty-two dollars,	32 00
By Henry Irick, six dollars,	6 00
No. 3. William S. Sharp, for stationery for house of assembly, certified to by clerk of house, eighteen dollars,	18 00
No. 4. D. Lodor, for office use in senate, certified to by secretary of senate, sixteen dollars and fifty cents,	16 50
No. 5. Joseph McPherson, for two satchels for	

secretaries of senate, certified to by secretary of senate, sixteen dollars and seventy-five cents,	\$16 75
No. 6. James & Dunham, for paste and brushes for senate, certified to by secretary of senate, eighteen dollars,	18 00
James & Dunham, for mucilage for senate, certified to by secretary of senate, six dollars,	6 00
James & Dunham, for mucilage for senate, certified to by secretary of senate, twenty-eight dollars and seventy cents,	28 70
No. 7. Hon. Dennis Reardon, for expenses contesting seat in house of assembly, per vouchers, five hundred dollars,	500 00
No. 8. William H. Campbell, chairman of educational committee, for expenses of self and others of committee, eighteen hundred and seventy-one, one hundred and four dollars, ninety-eight cents,	104 98
William H. Campbell, for printing several different forms of school bill, per vouchers, two hundred and sixty-four dollars,	264 00
No. 9. Mrs. Louisa Antwirth, for cleaning, for slop work about legislative chambers, for the session, one hundred dollars,	100 00
No. 10. Murphy and Bechtel, for stationery for senate, certified to by secretary of senate, seven hundred and seventy-four dollars and seventy-five cents,	774 75
No. 11. B. S. Anderson, detective policeman, for special service, ten dollars,	10 00
No. 12. William S. Sharp, for stationery for senate, certified to by president of senate, thirteen dollars,	13 00
William S. Sharp, for stationery for senate, certified to by engrossing clerk, six dollars,	6 00
No. 13. J. Herbert Potts, for services assisting journal clerk of house of assembly, five hundred dollars,	500 00
No. 14. Augustus O. Evans, balance said to be due on account of printing the volume of public documents in the year eighteen hundred and seventy, four hundred and forty-six dollars,	446 00
No. 15. Theodore W. Freese, on account of printing assembly bills for the present session of	

the legislature, as per resolution adopted by the house January ninth, eighteen hundred and seventy-two, the balance of the bill to be paid by the comptroller when the whole bill shall have been rendered, two thousand dollars,	\$2,000 00
No. 16. Dyer and Reeves, for coach hire, certified to by Henry Irick, chairman committee soldiers' children's home, one hundred and twenty-four dollars,	124 00
No. 17. William G. Allen, for coaches, certified to by Charles Hewitt, thirty-five dollars,	35 00
Certified to by J. H. Cavalier, thirty-two dollars,	32 00
No. 18. J. D. Hall, for parchment rolls for senate and house of assembly, at the usual rates, twenty-five dollars,	25 00
No. 19. To the officers of the senate and general assembly, including the journal clerks and the private secretaries of the president of the senate and speaker of the house, for extra services, an additional compensation of twenty per centum upon their salaries for the present session.	
No. 20. Samuel Prior, for taking measurements of New Jersey state prison, twenty-five dollars,	25 00
No. 21. To the several pages of the senate and house of assembly an addition of twenty per cent. to the amount of compensation provided by the act of March 29, 1871.	
No. 22. George K. Coleman, on account of services as reader for the assembly, one hundred dollars,	100 00
No. 23. That fifty dollars be allowed to Jeremiah Dally the state librarian, for moneys paid out by him for extra services.	
No. 24. Murphy and Bechtel, for stationery furnished the house of assembly, as certified to by the clerk, three hundred dollars,	300 00
No. 25. To Theodore Cook, for chairs, tables, &c., ordered by committee, for engrossing clerk's office for eighteen hundred and seventy for the house of assembly, twenty-eight dollars and seventy-five cents,	28 75

No. 26. To the clergy of the city of Trenton ten dollars for each week's service in opening the sessions of the legislature with prayer in the years eighteen hundred and seventy-one and eighteen hundred and seventy-two.

No. 27. To Jeremiah Dally, state librarian, for lighting up at night and other extra services, two hundred dollars,

\$200 00

Approved April 4, 1872.

## CHAPTER DXXXIII.

An Act to regulate the sale of Ale, Strong Beer, Lager, Porter, Wine and other Malt Liquors in the State of New Jersey.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall not be lawful to sell ale, strong beer, lager beer, porter, wine or other malt liquors (except where the same is compounded and sold as a medicine), in quantities less than a quart, if the same is drank on or about the premises where sold, in the state of New Jersey, without a license first had and obtained for that purpose from the judges of the court of common pleas of the county, or from the other authorities now having power by law to grant license.

License to sell must be first had and obtained.

2. And be it enacted, That a written application for the license shall be made and signed by the applicant, stating the kind or kinds of malt liquor he proposes to sell, and the place or township where he proposes to locate his place of business, which application shall also be signed by ten freeholders of the township, who have not signed another petition or application, where he proposes to locate his saloon or shop, who shall recommend said applicant as a sober and honest man, after which shall follow an affidavit of applicant that said persons recommending him are freeholders of said township, and that he will keep a quiet and orderly house, according to the requirements of the law.

Application for license.

Bond of recog-  
nizance shall  
be given be-  
fore receiving  
license.

Form of recog-  
nizance.

Before whom  
recognizance  
may be taken.

Fees.

Form of  
license.

3. *And be it enacted*, That every person, before he or she shall receive such license, shall become bound by recognizance to the state in the sum of one hundred dollars as principal, with two sufficient sureties, being freeholders in the county, in the sum of fifty dollars each, with condition following, to wit: the condition of the recognizance is such that whereas the above bounden ——— is licensed by the court to sell malt liquors in the house at ———, in the township of ———, in the county of ———, for the space of one year next ensuing; if, therefore, the said ———, during the continuance of his license shall not keep a disorderly house, nor violate the provisions of this or other laws against encouraging and harboring drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes and other disorderly persons, but shall, in all things respecting him or her, use and maintain good order and rule, and observe the directions of the law, then this recognizance to be void, or else to remain in full force and virtue.

4. *And be it enacted*, That this recognizance may be taken before any judge of common pleas, out of court, master in chancery or supreme court commissioner, and being signed by said applicant, sureties, and acknowledged before said officer and filed by the clerk of said court of common pleas, shall have the same force and effect as if the same had been taken in open court.

5. *And be it enacted*, That the officers taking such recognizance shall be entitled to the sum of fifty cents, the court for inspecting paper and granting license the sum of one dollar, and the clerk of the court for drawing and filing such recognizance, drawing license and affixing thereto the seal of the court and making entry in the minutes of such license, shall demand and receive the sum of two dollars.

6. *And be it enacted*, That every license to sell malt liquor shall be signed by the clerk of the court granting the same, and shall have the seal of said court affixed thereto by said clerk; which license shall be in the words and to the effect, following, viz: “——— county, to wit: at an inferior court of common pleas, in and for said county, held at ———, in the same, the ——— day of ———, in the year of our Lord one thousand ———, the said court doth hereby allow and license ———, of the township of ———, to sell malt liquors in the place he now keeps for one whole year from day aforesaid; and no longer, so that said ——— shall use and exercise



this license during the said term, according to the just and true meaning of the laws in such cases made and provided. Given under my hand and the seal of said court the day and year first above written. \_\_\_\_\_, Clerk."

7. *And be it enacted*, That no license shall entitle a person to keep and sell malt liquors in any other place than that in which it was first kept by virtue of such license, and such license, with regard to other places and persons, shall be void. License, when void.

8. *And be it enacted*, That application for license under this act shall be made on the first day of the session of such court, and the said court shall, on that day, or on some other day publicly fixed by said court on said first day, determine in open court on said application, by granting or refusing the same. Application for license to be made on the first day of session.

9. *And be it enacted*, That every such license shall be made to continue for one year, and no longer, but may be renewed yearly by said court, upon like recommendation, penalties, assessments and fees as when such license was first granted. Renewal of license.

10. *And be it enacted*, That every person licensed under this act shall, before license is delivered to him, pay the clerk of the court such sum as the court shall assess, which shall not be less than ten, and not more than fifty dollars, and no license shall be delivered to any person unless the money so assessed for the same, and all fees, shall have been paid to the clerk. Court to assess sum for license.

11. *And be it enacted*, That it shall be the duty of the clerk to enter in the minutes of said court a statement of all persons licensed, and place of location, together with sums assessed for said licenses, and date of receiving the same, and within one month after receipt of such moneys, shall pay them over to the county collector, for the use of the county. Duty of the clerk.

12. *And be it enacted*, That if any person or persons shall, without a license for that purpose first had and obtained according to this act, sell, or cause, or knowingly permit to be sold, directly or indirectly, any ale, strong beer, porter, lager beer, wine or other malt liquors (except such as are compounded and sold as a medicine), under the quantity of one quart, if the same is drank in, on or about the premises where sold, then he or she so offending shall forfeit and pay, for every such offence, the sum of fifty dollars, to be recovered. Penalty for selling without license.

by action of debt, with cost, by any person who shall sue for the same, in any court of record having cognizance of that sum, one-half to the prosecutor, and the other half to the inhabitants of the county.

Penalty for  
selling on Sun-  
day.

13. *And be it enacted*, That in addition to the penalties imposed in section twelve of this act, if any person or persons shall sell any of the liquors aforesaid, without license first had and obtained according to this act, or shall sell on Sunday, then such person or persons shall be held as a keeper or keepers of disorderly houses, and shall be liable to indictment as keepers of disorderly houses, and upon conviction shall be subject to like pains and penalties as are now imposed by law on keepers of gambling houses, houses of prostitution, and other common nuisances.

Where provi-  
sions of this  
act shall not  
apply.

14. *And be it enacted*, That the provisions of this act shall not apply to any township, city or incorporated town in which laws are in force regulating the sale of any of the liquors mentioned in this act.

Approved April 4, 1872.

## CHAPTER DXXXIV.

An Act making an appropriation to furnish the Legislature with a Digest of the Laws of this State.

Preamble.

WHEREAS, it has come to the knowledge of the legislature that Nixon's Digest is out of print and cannot be procured for the use of the members of the senate and house of assembly; therefore,

Treasurer to  
forward copy  
of digest of  
the laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the digest of the laws of New Jersey shall have been published, it shall and may be lawful for the treasurer of this state, and he is hereby empowered and directed to forward by express at the cost of the state, one copy of the said digest to the address of each member and officer of the senate and general assembly of the ninety-sixth legislature of New Jersey.

2. *And be it enacted*, That the comptroller of the state is hereby authorised and required to audit the bill for the purchase of the said copies of said digest, and the treasurer of this state is authorised and required to pay the same out of any money in the state treasury not otherwise appropriated. Comptroller audit the bill.

3. *And be it enacted*, That the sum of money required to pay for said digest, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purposes herein before set forth. Appropriation to pay for digest.

4. *And be it enacted*, That this act shall go into effect immediately.

Approved April 4, 1872.

## CHAPTER DXXXV.

A Further Supplement to the act entitled "An Act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected on the inhabitants of the state, and upon the taxable real and personal property, as exhibited by the abstracts of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-one, and filed in the office of the comptroller of the treasury, a state tax of one mill on each dollar of the valuations contained in said abstracts, which is hereby appropriated and shall be applied as follows, to wit: two hundred and sixty-four thousand seven hundred and seventy-eight dollars, or so much thereof as may be needful, for the payment of the principal falling due on the first day of January next, and such interest as shall have accrued on said first day of January, and on the first day of July next thereafter, of and on a loan authorised by an act entitled "An Act authorising a loan for the purposes of war, to repel invasion, and suppress insurrection, and appropriating the same," An assessment of one mill on a dollar to be made. Proceeds of tax, how appropriated.

Surplus, how  
disposed of.

How levied,  
assessed and  
collected.

Comptroller  
shall appor-  
tion.

And transmit  
statement to  
county collec-  
tors.

Comptroller  
to furnish col-  
lectors print-  
ed forms for  
assessors' re-  
turns of rata-  
bles.

and providing for the payment thereof," approved May tenth, one thousand eight hundred and sixty one, and the several supplements thereto; and the surplus of said sum, if any there be, remaining after such payments, shall be applied and added to the sinking fund provided for by the fifth section of said act, toward the payment of the principal of said loan, and the residue of said tax shall be applied to the purpose of defraying the necessary expenditures of the state for the current year; which tax and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected, on the persons and property, and in the manner directed by the above recited act, entitled "An act concerning taxes," and the several supplements thereto, and the laws of this state which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act otherwise ordered and directed.

2. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax, and at the rate aforesaid, among the several counties in proportion to the amount of taxable real and personal estate in said counties respectively, as shown by the abstracts respectively as aforesaid; and it shall be his duty to transmit, within thirty days after the approval or passage of this act, to the county collector of each county, a statement of the amount of said tax apportioned to said county, and said county collector shall lay said statement before the assessors of the townships or wards within his county, at their next meeting to apportion the township taxes, and said assessors shall thereupon proceed to assess said tax according to law.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors of the several counties printed forms on which the boards of assessors shall make their returns of the amount of ratables of their respective counties, upon which forms there shall be printed the oath required to be taken by the assessors as provided by section twelve of an act entitled "A further supplement to an act entitled, 'An Act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which supplement was approved April eleventh, one thousand eight hundred and sixty-six, and no abstract of the amount of ratables from any county shall be deemed to have been made

according to law, unless said oath shall have been taken and subscribed by each member of the board of assessors.

4. *And be it enacted*, That the provisions of the act entitled "A further supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which said further supplement was approved April first, one thousand eight hundred and sixty-nine, shall be and the same are hereby held to apply and be in force so far as they do not conflict with the provisions of this act. Former acts applied.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXXXVI.

An Act granting the consent of the State of New Jersey to the purchase by the United States of certain lands for the purpose of the erection of a public building at Trenton, and ceding jurisdiction over the same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the consent of the state of New Jersey is hereby given to the purchase by the United States of one or more pieces of land situated in the city of Trenton, not exceeding one acre in quantity, on which to erect a building for a post office and other public purposes, and the said United States shall have, hold, use, occupy and own the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned. Consent of state to the purchase of land by the United States.

2. *And be it enacted*, That the jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same hereby is ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands. Jurisdiction ceded.

3. *And be it enacted*, That the said consent is given, and

Consent and  
jurisdiction  
ceded condi-  
tionally.

the said jurisdiction ceded, upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors, committed within said state, may be executed therein, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may effect the real or personal property of the United States.

Exemption  
from taxes,  
&c.

4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this state.

Penalty for  
injury to the  
grounds or  
building.

5. *And be it enacted*, That any malicious, wilful, reckless, or voluntary injury to, or mutilation of the grounds, buildings or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offence, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXXXVII.

A Supplement to an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to be elected a director of any body corporate in this state, issuing stock, unless such person shall be at the time of his election a bona fide holder of some of the stock of said body corporate. Person to be elected a director shall be a stockholder.

2. *And be it enacted*, That when any person, a director of such body corporate, shall cease to be such bona fide holder of some of the stock thereof, he shall cease thereupon to be a director thereof. When not a stockholder he shall cease to be a director.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXXXVIII.

A Supplement to the act entitled "An Act to provide for the registration of persons entitled to the right of suffrage in cities," approved March twenty-second, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso in the fourth section of the act to which this is a supplement, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That the boards of registry, at each meeting thereof, in pursuance of said act, shall remain in

Boards of registry to remain in session until eight o'clock in the evening session until eight o'clock in the evening ; and that the seventeenth section of said act be and the same is hereby amended by adding at the end thereof the words, "or whereon said boards of registry shall meet, in pursuance of said act, for the purpose of registration."

8. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXXXIX.

A Supplement to an act entitled "A further supplement to an act entitled 'An Act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six, which said supplement was approved April eleventh, eighteen hundred and sixty-six.

The word "citizen" shall include bodies corporate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "citizen," in part one, of the fifth section of the act, to which this is a supplement, shall be deemed and taken to include bodies corporate.

Repealer.

2. *And be it enacted*, That all acts, and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 4, 1872.



## CHAPTER DXL.

An Act to encourage the manufacture of Beet Sugar in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the term of ten years next after the passage of this act, all the machinery, buildings, real estate and all other property owned by any individual or individuals, corporation or corporations organized under any law of this state, and used exclusively in the business of manufacturing beet sugar, are hereby exempted from taxation for any purpose whatsoever; *provided*, that this exemption from taxation shall not apply to lands upon which beets are raised for the purpose of manufacture. Building and machinery exempt from taxation.

2. *And be it enacted*, That the stock of any incorporated company engaged exclusively in the manufacture of beet sugar in this state, held and owned by any individual or individuals, shall be exempt from taxation for any purpose for the time specified in the first section of this act. Stock exempt from taxation.

3. *And be it enacted*, That this act shall take effect and be in force from and after its passage.

Approved April 4, 1872.

## CHAPTER DXLI.

Supplement to an act entitled "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the treasurer of this state under the direction of "The trustees for the support of free

Trustees for the support of free schools to make loans for the purpose of building school houses.

schools," is authorized to invest the fund for the support of public schools in this state, in addition to the securities mentioned in the sixty-seventh section of the act to which this is a supplement, in the bonds of the several school districts of this state, and in the bonds of any city or municipality of this state, legally issued, for the purpose of building school houses, either by authority of special acts of the legislature, or by the consent of the inhabitants of the district, as provided for by the eightieth section of the act to which this is a supplement.

Inhabitants to authorize the issuing of bonds.

2. *And be it enacted*, That it shall be lawful for the inhabitants of each district, when met in conformity to the provisions of the eightieth section of the act to which this is a supplement, and the inhabitants so met, shall have power, by the consent of two-thirds of those present, to authorize the trustees, for the purpose of building a school house or school houses in such district, to issue the bonds of the district in the corporate name of such district, in such sums and in such amounts, and payable at such times as the said inhabitants so met may direct, with interest at the rate of seven per centum per annum, payable half yearly, which bonds shall be signed by the trustees of such district and attested by the clerk, under the seal of the district, and the bonds so issued shall be a lien upon the property of the said district.

Mode of assessment.

3. *And be it enacted*, That whenever any district shall order and authorize the issue of bonds, for the purpose aforesaid, it shall be the duty of the district clerk, of such district, each and every year, to issue the warrant of the district, signed by the trustees, and attested by the clerk under the seal of the district, to the assessor or assessors of the township or townships in which such district is situate, directing him to assess upon the inhabitants of said school district, and their estates and the taxable property therein, an amount sufficient to pay the bond or bonds of the district maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district, which warrant so issued as aforesaid, shall be executed in the same way and manner as is provided by the eightieth section of the act to which this is a supplement.

Proceedings in case of the non-payment of bonds or interest.

4. *And be it enacted*, That in case the bonds of any school district, city or municipality, or the interest upon any bonds issued by any school district, city or municipality, and held by the trustees for the support of free schools, are unpaid

when the same become due, it shall be lawful for the state superintendent of public instruction, and it is hereby made his duty, to withhold in the apportionment of the school fund, from such district, city or municipality, in default of the payment of either principal or interest on the bonds so held by the trustees for the support of free schools an amount sufficient to pay the unpaid bond or bonds and interest due upon any bonds so held by the said trustees, for the support of free schools, and the said trustees for the support of free schools, shall apply and appropriate such amount so withheld to the payment of the over due bond or bonds so held by them, and the unpaid interest due upon any bond or bonds held by them.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXLII.

A Further Supplement to an act entitled "An Act respecting conveyances."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all leases for estates, in lands Leases for estates, &c., may be recorded. and tenements, for a term not less than two years, or for life, being duly signed and sealed, and acknowledged by the parties thereto in the manner prescribed for the acknowledgment of deeds, may be recorded in like manner as deeds are now recorded.

2. *And be it enacted*, That the record of such lease so Record to be evidence of title. recorded shall be evidence of the title of the lessee in the demised premises, and a copy of such record, duly certified by the clerk or register of deeds for the county wherein the demised premises are situate, shall be received in evidence in all courts in like manner as the original lease, so recorded, might be; and such record shall be notice to and valid against subsequent judgment creditors, purchasers, lessees or mortgagees.

Manner of sale  
for payment  
of debts.

3. *And be it enacted*, That the estate of any such lessee in the demised premises, the lease whereof shall have been recorded in manner aforesaid, shall be liable to sale for the payment of debts, in like manner only as estates of freehold are now liable therefor.

Assignment of  
lease may be  
recorded.

4. *And be it enacted*, That any assignment of such lease so recorded, such assignment being signed, sealed and acknowledged in manner aforesaid, may be recorded in like manner, and the record thereof shall have the same force and effect as the record of the original lease, and shall operate to transfer to the assignee thereof the interest in said leasehold premises, and the benefit of all covenants in said original lease contained.

Assignments  
of leases by  
way of mort-  
gage declared  
valid

5. *And be it enacted*, That assignments of such leases and leasehold interests by way of mortgage and as security for moneys loaned to or owing by the lessee or assignee of such leasehold estate, shall be valid; and the same being duly signed, sealed and acknowledged in manner aforesaid, may be recorded or registered in like manner as mortgages of freehold now are, and the record or registry thereof shall have the same force and effect.

Agreements  
for the sale of  
lands, &c.,  
may be re-  
corded.

6. *And be it enacted*, That agreements for the sale and conveyance of lands and tenements, or of any interest therein, being signed, sealed and acknowledged in manner aforesaid, may be recorded, and the record of such agreement shall be notice to all persons of such agreement from the time of so recording the same, and copies thereof, duly certified as aforesaid, shall be received in evidence in like manner as certified copies of deeds may be received in evidence.

Fees of the  
clerks and  
register.

7. *And be it enacted*, That the clerks and register of deeds of the several counties of this state, shall be entitled to receive the same fees for services performed under this act, as are provided by law for recording deeds and recording or registering mortgages.

8. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXLIII.

A Further Supplement to an act entitled "An Act to provide for the support of the government of this state, and to fix the salaries of public officers," approved April fourth, one thousand eight hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer, prison keeper, and comptroller of this state, shall each of them be entitled to receive an annual salary of four thousand dollars. Salary of the treasurer, prison keeper and comptroller.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXLIV.

An Act to amend the act entitled "A Further Supplement to the act entitled 'An Act relative to the Court of Errors and Appeals.'"

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to the act entitled 'An Act relative to the court of errors and appeals,'" approved April sixth, eighteen hundred and sixty-five, shall continue in force for three years from the sixth day of April, eighteen hundred and seventy-two. Act continued in force for three years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXLV.

A Further Supplement to an act entitled "An Act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six,

Acknowledgments, &c., made before a consular agent declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any consular agent of the United States shall have power to take the acknowledgment or proof of deeds and affidavits; and all such acknowledgments, proofs or affidavits taken before such consular agent, whether the person or persons executing the deed, making the proof or affidavit does or does not reside in the country or place in which such consular agent is resident, shall be as valid and effectual as if taken within this state before a justice of the supreme court thereof, as provided in the act to which this is a supplement.

Acts legalized.

2. *And be it enacted*, That all acknowledgments, proofs and affidavits heretofore taken or made before any consular agent of the United States, shall be as valid and effectual as if the same had been taken or made under this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXLVI.

An Act to organize and establish a State Board of Agriculture.

Preamble.

WHEREAS, the national agricultural convention, at its late meeting in Washington, in taking action for the promotion of agricultural interests, resolved that the several states in

which boards of agriculture do not now exist, be requested to organize such boards by legislative action; and whereas, such a board in the proper exercise of its functions would become the centre about which to collect the results of successful farming, and from which to send out digested information in regard to the great questions of farm economy, tillage, crops, stock, fertilizers, reclamation of lands, training of farmers, etc.; therefore,

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the board of managers and superintendent of the state geological survey; the president and two of the professors of the state agricultural college, chosen by the college faculty; three members of the board of visitors of the agricultural college, chosen by their board; the president or other representative sent by each of the state and county agricultural societies that may be in correspondence with this board, shall constitute the state board of agriculture.

2. *And be it enacted*, That the members of the board shall hold office for three years, or until their successors are appointed; except that of the first appointments the members shall be classed in three divisions, one third of which shall retire from office in one year; one third in two years; and the remaining third in three years; the vacancies thus occurring shall be filled in the same way the first appointments were made, other vacancies which may occur shall be filled in the same way, but only for the completion of the term in which they occur.

3. *And be it enacted*, That the board shall meet at the state house in Trenton, at least once in each year, and as much oftener as may be judged expedient; no member thereof shall receive compensation from the state except for personal expenses when engaged in the duties of the board.

4. *And be it enacted*, That the board may appoint their secretary and prescribe his duties; he shall receive salary, not to exceed two hundred dollars a year; and may with the approval of the board employ a clerk or clerks, at an expense of not more than one hundred dollars a year; which salary and expense shall be paid out of the treasury of the state.

5. *And be it enacted*, That the board may investigate such subjects relating to the improvement of lands and agriculture in this state, as they think proper, and may take, hold in

trust, and exercise control over donations or bequests made to them for promoting scientific education, or the general interests of agriculture.

Blanks for sta-

6. *And be it enacted*, That they shall prescribe forms for and regulate returns of the agricultural societies of the state, in correspondence with them, and shall furnish said societies with proper blanks, so as to secure uniform and reliable statistics.

Annual report  
to be made.

7. *And be it enacted*, That they shall annually, on or before the second Tuesday of January, by their chairman or secretary, submit to the legislature a detailed report of their doings, with such recommendations and suggestions as the interests in their charge may require.

Abstract to be  
published.

8. *And be it enacted*, That the secretary of the board shall cause to be made and published for distribution, as full an abstract of the returns of the agricultural societies as he judges to be useful.

Approved April 4, 1872.

## CHAPTER DXLVII.

A Further Supplement to the act entitled "An Act respecting conveyances," approved April fifteenth, one thousand eight hundred and forty-six.

A married  
woman may  
join with her  
husband in  
executing let-  
ter of attorney  
to pass estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*; That any conveyance hereafter made by virtue of and in pursuance of any letter of attorney for the sale, conveyance, assurance, acquittance or release of any lands, tenements or hereditaments executed by any married woman who joins with her husband in executing such letter of attorney, shall be as good and effectual to pass the estate of the said married woman as if she were a feme sole and unmarried; *provided*, a full and particular description of the lands, tenements or hereditaments authorized to be conveyed, shall be contained and set forth in such letter of attorney, and the same shall be acknowledged, and such

Proviso.



knowledge certified in the manner prescribed for the knowledge of deeds of conveyance of lands, tenements and hereditaments, by the act to which this is a supplement, by the supplements thereto.

2. *And be it enacted*, That the provisions of the supplement to the "Act respecting conveyances," which supplement was approved March first, one thousand eight hundred and forty-nine, shall extend to letters of attorney made by force of this act. Provisions extended.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DXLVIII.

Supplement to "An Act to ascertain the rights of the State and of riparian owners in the lands lying under the waters of the bay of New York, and elsewhere in the State," approved April 11, 1864.

**WHEREAS**, the riparian commissioners recommend some changes in the line for solid filling in the bay of New York and Hudson river, and to enable them to make the changes proposed, and to provide additional wet basins in the same. Preamble.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That the riparian commissioners change, fix and establish any other lines than those now fixed and established for pier lines, or lines for solid filling in the waters of the bay of New York or the Hudson river, make any changes in any basin now fixed and established, lay out and fix and establish any new basin or basins in the waters of the bay of New York or the Hudson river, and in so fixed and established, the said riparian commissioners shall file a map and surveys in the office of the secretary of the State, showing what lines have been fixed and established by the said commissioners for the exterior lines for solid filling and pier lines, as Commissioners may change lines for solid filling, &c.

Map and surveys to be filed.

well as for any changes in basins or new basins fixed, laid out and established by them under this act.

Encroachment prohibited.

2. *And be it enacted*, That from and after the filing of said map and surveys in the office of the secretary of state, no encroachment of any kind shall be permitted to be made beyond said lines so fixed and established for solid filling pier lines; or in or upon any basin or basins so laid out and established.

Commissioners may make lease or sale,

3. *And be it enacted*, That the said riparian commissioners may make, for a satisfactory consideration, any lease or sale to the owners of the lands fronting on the said basin, of the right to have the exclusive use of the said basin or basins for the purpose of wharfage and docking, and to charge a reasonable sum for the use of the same on the line bulkhead owned by them respectively; and that from and after the filing of said map and survey, the same shall remain as a public basin or basins, and they are hereby dedicated for that purpose.

Public basins.

4. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved April 4, 1872.

## CHAPTER DXLIX.

A Supplement to an act entitled "An Act to establish a State Industrial School for Girls," approved April fourth, eighteen hundred and seventy-one.

Payment of rent, salaries, and incidental expenses.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of enabling the trustees of the industrial school for girls to pay salaries and incidental expenses, the treasurer of the state is hereby directed to pay to the treasurer of said school, on lawful warrant, the sum of five thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DL.

Act supplementary to an act entitled "An Act to incorporate Trustees of Religious Societies," approved April seventeenth, one thousand eight hundred and forty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any religious society in this state, however incorporated, to purchase hold and also to convey and dispose of any real estate, which they may deem necessary and expedient; *provided*, that the same shall not be used by the religious corporation acquiring the same for any other purpose than the rendering and maintaining in any building now or hereafter erected on such real estate, the worship of Almighty God, and the furtherance of religion according to the tenets and forms of worship of the religious denomination to which such religious society belongs, or for education, or the administration of charity to the bodies or souls of men.

And be it enacted, That any conveyance or agreement made between any religious corporations, intended for the purposes aforesaid by or under the authority of such corporations, now made or hereafter to be made, is hereby declared to be valid and effectual in law.

And be it enacted, That this act shall take effect immediately.

Approved April 4, 1872.

Power to sell  
and convey  
real estate.

Proviso.

Conveyance  
or agreement  
to be valid.

## CHAPTER DLI.

A Further Supplement to an act entitled "An Act to regulate fisheries in the river Delaware and for other purposes passed November twenty-sixth, one thousand eight hundred and eight.

Treasurer to pay to the commissioners on warrant of comptroller

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars, be and hereby is appropriated for the purpose of propagating shad in the river Delaware, to be expended under direction of the commissioners of fisheries of the state of New Jersey, and the treasurer shall pay to the said commissioners from time to time, such moneys as shall be moved by the commissioners for this purpose, not exceeding the sum hereby appropriated, on the warrant of the comptroller, on account rendered to him by the commissioners, accompanied with abstract of the expenditures and the vouchers duly verified.

When act shall be operative and valid.

2. *And be it enacted*, That this act shall not be considered as valid or operative unless the legislature of the Commonwealth of Pennsylvania shall, at its present session, appropriate a like sum for the same purpose, and from and after the passage, by the legislature of Pennsylvania, of an act making a like appropriation, this act shall immediately into full force and effect; *provided however*, that if the legislature of Pennsylvania have appropriated or shall, at the present session, appropriate a less sum than three thousand dollars, then the sum hereby appropriated, shall not exceed in amount the sum for the like purpose so appropriated by the legislature of Pennsylvania.

Proviso.

Copy of act to be sent to the governor of Pennsylvania

3. *And be it enacted*, That the governor of this state hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Approved April 4, 1872.

# JOINT RESOLUTIONS.

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## NUMBER I.

Joint Resolution recommending the purchase of Independence Hall.

**WHEREAS**, the representatives of the people of the several Preamble, states did in seventeen hundred and seventy-six declare said states to be "of right free and independent;" and whereas, that declaration pertained to all the states of the confederation, and was confined to no individual member thereof, but was left in perpetuity to every citizen of the original thirteen and to every new member of the galaxy of states; and whereas, the congress of the United States, in view of the approaching centennial of American independence, has made provision for celebrating that august event in the city of its adoption, by holding a national exhibition of arts, manufactories, and the products of the soil and mines thereof,

1. **BE IT RESOLVED** *by the Senate and General Assembly of the State of New Jersey*, That the senators in congress from this state be instructed, and the representatives requested to introduce, support and vote for a bill providing for the purchase of the hall of independence, and the square on which it stands, situate in the city of Philadelphia, the same to be on the fourth day of July, eighteen hundred and seventy-six, formally dedicated to the republic of the United States, and consecrated to the perpetuation of constitutional liberty and independence, on the condition that the money paid for said hall and square be appropriated by said city to the erection of suitable buildings for the holding of said international exhibition; and if any money shall remain after the erection of said buildings, the same shall be appropriated to the preser-

Senators instructed and representatives requested to introduce and support a bill providing for the purchase of Independence hall.

vation and improvement of said hall, and the grounds on which it is located.

Approved February 1, 1872.

## NUMBER II.

Joint Resolution to authorize the payment of certain expenses.

Treasurer to  
pay expenses  
of inaugura-  
tion of gover-  
nor.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be directed to pay, upon the warrant of the comptroller, such bills for expenses attending the inauguration of governor as shall be approved by the joint committee appointed to make arrangements for the inauguration.

Approved February 8, 1872.

## NUMBER III.

Joint Resolution providing for the insuring of the State House Buildings.

Treasurer to  
insure library  
and state  
house build-  
ings.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized to cause the state library and state house buildings to be insured.

Payment of  
expenses of  
insurance.

2. *Resolved*, That the treasurer be directed to pay, upon the warrant of comptroller, the expenses incurred in carrying the foregoing resolution into effect.

Approved March 1, 1872.

## NUMBER IV.

Joint Resolution in relation to the construction of an Artificial Harbor on Crow Shoal, Cape May, for the protection of small class vessels.

WHEREAS, the construction of a breakwater or artificial harbor on Crow Shoal, Cape May, for the purpose of affording sufficient protection, especially in stress of weather, to that portion of commerce known as the coasting trade, and to all small class vessels, has long been in contemplation; and whereas, the great increase of this branch of domestic commerce has so increased the demand for this improvement, that what has always been deemed as important, has become an absolute necessity, without which all small class vessels must continue to be exposed to dangers of the ocean, which might be avoided; and whereas, many of the states are equally interested with ourselves, but not having their attention properly called to the subject, and not being altogether aware of the benefits to be derived from the proposed harbor, have not had the feelings of their citizens fully enlisted in the subject; and whereas, it is the interest of New Jersey to adopt immediately some practical measure by which states interested in the subject may become enlisted, and aid from the federal government be obtained; therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be instructed to request the Hon. A. G. Cattell and D. Edmunds to place this matter before the United States congress and urge its passage, and that no monies shall be appropriated for the payment of such services. Names of persons requested to place the matter before congress.

Approved March 15, 1872.

## NUMBER V.

Joint Resolution for appropriation to the Signal Service Department in behalf of the farming interests.

- Preamble.** WHEREAS, the signal service department of the United States army has proved itself of great value to the commercial interests of the country; and whereas, by increasing its stations it can be utilized to the great benefit of the agricultural interests, which interest is the wealth of the nation.
- Recommendation to extend signal service system.** 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be urged to secure such further appropriation, as will enable the war department to extend its signal service system, so as to secure its advantages to the farming interests of the United States.
- Copy to be sent to senators and representatives.** 2. *And be it resolved*, That the governor be requested to furnish a copy of the foregoing preamble and resolutions immediately to our senators and representatives in congress.
- Approved March 27, 1872.
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## NUMBER VI.

Joint Resolution, making an appropriation for the necessary amount of money to insure the buildings of the Soldiers' Children's Home.

- Providing for the insurance of the soldiers' children's home.** 1. BE IT RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer is hereby authorised to provide for the insurance of the buildings of the soldiers' children's home, and pay for the same from any moneys not otherwise appropriated.



2. *And be it resolved*, That this resolution take effect immediately.

Approved April 3, 1872.

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## NUMBER VII.

Joint Resolution authorizing the transfer of certain books from the State Library to the Soldiers' Home.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the library of this state be and are hereby authorized and empowered to select from the library such books of a miscellaneous and general character as may be adapted to popular reading, and as they may deem can be taken without undue loss to the state, and deliver them to the managers of the New Jersey Home for Disabled Soldiers, to be held by them for the use of the soldiers and sailors in said home, under such regulations as the commissioners aforesaid may prescribe.

Commissioners of state library authorized to transfer books.

Approved April 3, 1872.

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## NUMBER VIII.

Joint Resolution authorizing the Register of Deeds of Essex county to cancel a certain mortgage.

WHEREAS, the Morris and Essex Railroad Company made and executed to Jeremiah C. Garthwaite, William Lee, and George Vail, commissioners of the school fund of this state, a mortgage, bearing date the seventeenth day of

Preamble.

January, eighteen hundred and forty-three, to secure the sum of thirty thousand dollars, which mortgage is recorded in Book K 2 of Mortgages for Essex county, in this state, on pages 534, &c.; and whereas, the said money secured by the said mortgage has been paid to the treasurer of this state; and whereas, the said mortgage has been lost or destroyed and cannot be produced to be cancelled of record; and whereas, doubts have arisen as to the power of said commissioners to cancel said mortgages; therefore,

Register to  
cancel mort-  
gage.

1. BE IT RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the register of deeds of the county of Essex be and he is hereby directed to cancel of record the said mortgage bearing date the seventeenth day of January, eighteen hundred and forty-three, made by the Morris and Essex Railroad Company to Jeremiah C. Garthwaite, William Lee, and George Vail, commissioners, &c., and recorded in Book K 2 of Mortgages for Essex county, on pages 534, &c.

Approved April 4, 1872.

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## NUMBER IX.

Joint Resolution relative to the navigation of the channel between Staten Island and New Jersey.

Preamble.

WHEREAS, there exists in the waters between Staten Island and New Jersey certain obstructions to navigation, which makes the same dangerous, and affects the commerce passing through those waters, therefore,

Members of  
congress re-  
quested to  
procure ap-  
propriation.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our members of congress, both in the senate and house of representatives, be and are hereby requested to procure, if possible, such appropriation by congress as may be necessary to improve the navigation of said waters, and especially to remove such obstructions as may exist in the channel at the point known as the Corner Stake and Shooters Island.

2. *And be it resolved*, That the governor be requested to furnish a copy of the foregoing preamble and resolution, without delay, to the senators and representatives in congress from the state of New Jersey. Senators and representatives to be furnished with a copy. .

Approved April 4, 1872.

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## NUMBER X.

### Joint Resolution for the relief of the Soldiers' Children's Home.

1. RESOLVED, That the ladies now in charge of the soldiers children's home, be and are hereby requested to take charge of such children of colored sailors or soldiers who served in the army or navy of the United States, and were accredited to the state of New Jersey, at such place as they may designate. Provision for care of children of colored sailors and soldiers.

2. *And be it resolved*, That the treasurer shall pay on the warrant of the comptroller, drawn by such officers of said soldiers' children's home as are designated in the law governing the soldiers' children's home now in existence, such amounts as may be necessary, not to exceed five thousand dollars, out of any moneys in the treasury of this state not otherwise appropriated. Expenses, how paid.

3. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 4, 1872.

# PROCLAMATIONS.

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## Proclamation.

The constitution of the State of New Jersey enumerates among other "rights and privileges," that "the people have the right to freely assemble together;" it also proclaims that "no person shall be denied the enjoyment of any civil right merely on account of his religious principles;" it also makes the governor of the state "Commander-in-Chief of the Military and Naval forces of this state;" and under his oath of office makes it his duty "to promote the peace and prosperity and maintain the rights of the state;" now it having come to my knowledge, that a body of inhabitants of this state, in conformity to a custom among them, and in consonance with the custom of other bodies or societies of inhabitants of this state, propose to celebrate what to them is deemed an anniversary day, and it having come to my knowledge that interference with this contemplated celebration may possibly take place, by reason of which a serious disturbance of the peace of the commonwealth would probably ensue:

Now, therefore, I, Theodore F. Randolph, governor of the State of New Jersey, do hereby proclaim that both the letter and spirit of the constitution of our State of New Jersey, as well as the long established custom of our people, to permit and protect all peaceful gatherings of the inhabitants of this state, irrespective of religious or political creed, makes it the lawful right of any body of peaceful citizens to assemble together, and that right cannot be abridged or interfered with by any unauthorized body of men, of any nationality, creed or religion, whatever the real or supposed provocation may seem to be.

And I do therefore enjoin upon all good, law abiding and

peaceful citizens of this our State of New Jersey, to assist in every way in preserving the peace, good order and dignity of the same, not only by abstinence from provocation, but by acts of toleration, forbearance and true manliness.

And I do hereby warn all persons from other states, who may seek, by acts of provocation, to interfere with the peaceful assembling of inhabitants of this state, that such offence against the peace and good order of this commonwealth, will be promptly and rigorously punished by our authorities.

And I do further enjoin and command all legally constituted authorities of this state, to fully protect all peaceful assemblages of our inhabitants, using every means at their command to enforce this proclamation, assuring all such properly constituted authorities that in the event of the insufficiency of the ordinary local power, that the entire power of the state will, if necessary, be called into exercise, to compel, at any cost, respect for and obedience to our laws.

And I do further enjoin upon the members of the society especially proposing to assemble together to-morrow, the exercise of the utmost patience, care and discretion, in the pursuance of their rights, bearing in mind that, to a large portion of our fellow citizens, the peculiar occasion of their gathering is deemed an unnecessary revival of an ancient political and religious feud, of no general interest to the great body of our American citizens; and that though they are sustained in their right to peacefully assemble together, they are by no means sustained, as I firmly believe, by any large number of sincerely patriotic and christian people, in the expediency of the exercise of that right at this time.

Given at the Executive Chamber, in the city of  
Trenton, this eleventh day of July, in the year  
[L. S.] of our Lord one thousand eight hundred and  
seventy-one, and of the independence of the  
United States of America the ninety-sixth.

THEO. F. RANDOLPH,

*Governor.*

Attest :

SAMUEL C. BROWN, *Private Secretary.*

Proclamation by Theodore F. Randolph, Governor of the State of New Jersey.

Whereas, Henry S. Little, who was, on the second day of November, A. D. eighteen hundred and sixty-nine, duly elected to represent the county of Monmouth in the State Senate, has been appointed to and accepted the office of clerk of the court of chancery of this state, whereby a vacancy exists in the representation of said county in the State Senate:

Therefore, I, Theodore F. Randolph, Governor of the State of New Jersey, do hereby issue my warrant to Thomas V. Arrowsmith, esquire, clerk of the said county of Monmouth, commanding and requiring you, that you proceed to give notice according to law, that an election will be held in the several townships comprising the said county of Monmouth, on Tuesday, the seventh of November next ensuing the date hereof, for the purpose of electing a senator to represent said county in the legislature of New Jersey, during the unexpired term of the said Henry S. Little.

Given under my hand and the great seal of the State of New Jersey, this third day of October,  
[L. s.] in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States the ninety-sixth.

By the Governor,

THEO. F. RANDOLPH.

HENRY C. KELSEY, *Secretary of State.*

A Proclamation.

Whereas, the legislature of the State of New Jersey did at its last session, pass a law entitled "An Act relative to Bribery," a copy of which is made a part of this proclamation, now, therefore, I, Theodore F. Randolph, Governor of the State of New Jersey, do hereby enjoin upon all chief judicial officers of this state, upon all local magistrates, upon sheriffs and their deputies, upon police officers and constables, and upon all officers of the state, who have especially taken upon themselves the oath to bear true faith and allegiance to the government of this state, to see that to the best of their ability the provisions of this law be fully and faithfully executed; and I do further enjoin upon the state attorneys for the several counties of this state, the prompt and vigorous prosecution, without fear or favor, of all persons or corporations, who may in any degree render themselves liable to the penalties of the law against bribery at elections; and I do further enjoin upon all good citizens of this state the execution of this law, as far as in their power lies, by rendering information to magistrates, and to grand juries, that will serve to cause the arrest and conviction of any officer of any corporation, or other person or persons, who may directly or indirectly bribe, or attempt to bribe, or give means to bribe, any voter of this State, or who may be guilty of receiving a bribe, from any person or corporation, by which a vote shall be influenced; and I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person who may be found guilty of violating the provisions of the said law, at the coming election in this state; said rewards to be paid until the total amount expended for this purpose shall reach the sum of five thousand dollars; the affidavits of persons upon which the arrests and convictions shall be had determining the claimants of reward, and the priority of convictions to determine to whom, within the aggregate amount, the rewards shall be paid.

Given under my hand and seal, at Trenton, this  
[L. S.] seventeenth day of October, eighteen hundred  
and seventy-one.

THEO. F. RANDOLPH.

Attest:

ARTHUR E. BROWN, *Acting Private Secretary.*

## PROCLAMATIONS.

## A Proclamation.

Whilst great trials and afflictions have come to the people of sister states, we of this commonwealth, not more deserving of the mercies of God than they, have in a peculiar manner been the recipients of His Almighty care and goodness during the past year. That we may as one people, laying aside all differences of creed or faith, join together in grateful acknowledgment to Almighty God for His mercies and blessings,

I, Theodore F. Randolph, Governor of the State of New Jersey, do hereby appoint Thursday, the 30th day of November, as a day of thanksgiving and prayer, recommending its observance as such by all our people.

Given at the Executive Chamber, in Trenton, this  
[L. S.] 7th day of November, in the year of our Lord  
1871, and of the independence of the United  
States the ninety-sixth.

THEO. F. RANDOLPH.

Attest:

SAM'L C. BROWN, *Private Secretary.*

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A Proclamation.

Whereas, by the twentieth section of an act of the Legislature of New Jersey entitled "An act to establish a State Industrial School for Girls," approved April 4, 1871, it is provided as follows: "That when the buildings and premises of the Industrial School authorized by this act shall be prepared for the reception of pupils, the trustees shall, by resolution, inform the governor thereof, upon which he shall issue his proclamation of the fact, and the provisions of this act in relation to commitments shall not go into effect until such proclamation be issued."



And whereas the said trustees incorporated by the said act, under the name of "The Trustees of the State Industrial School for Girls," have, by resolution, informed me that the buildings and premises of the said reform school are now so prepared for the reception of pupils:

Now, therefore, I, Theodore F. Randolph, governor of the State of New Jersey, by virtue of authority in me vested, and in conformity with the provisions of an act of the legislature entitled "An act to establish a State Industrial School for Girls," do issue this my proclamation, and hereby proclaim and declare the fact that the buildings and premises of the Industrial School, authorized by the said act, are now prepared for the reception of pupils, and that the provision of the said act relative to commitments do go into effect from and after the date hereof.

Given under my hand and the great seal of the State  
[L. S.] of New Jersey, at Trenton, this twenty-fifth day  
of November, eighteen hundred and seventy-one.

By the Governor,

THEO. F. RANDOLPH.

HENRY C. KELSEY, *Secretary of State.*

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A Proclamation by the Governor of New Jersey.

Whereas, citizens of New Jersey, while pursuing the occupation of fishing in the river Delaware, on the eastern side of said river, and within the jurisdiction of this state, have recently been arrested by persons claiming to act under the laws and authority of the State of Delaware, and taken as prisoners out of this state.

And whereas, the business of those so arrested has been seriously interrupted, and the like business of many other citizens will be disturbed should similar aggressions upon the authority and jurisdiction of this state be continued.

And whereas, disputes in relation to jurisdiction between states should be submitted to the legal tribunal created with especial reference to such disagreements, and should not be

## PROCLAMATIONS.

permitted to result in a collision of opposing local authorities, or in individual retaliation.

Therefore, I hereby give notice and proclaim that the State of New Jersey claims jurisdiction over that part of the river Delaware, between the States of Delaware and New Jersey, which is easterly of the middle line of said river, and further claims that all persons who conform to the fishing laws of the State of New Jersey, have the right to fish on the eastern side of said river, without permission or license of any other state.

And I notify and warn all persons not to molest, disturb, arrest, or attempt to arrest, without lawful process issued by some legal authority in this state, any citizen of New Jersey at any place within her jurisdiction.

And I exhort the people of this state, if any illegal arrest or interference be attempted, to refrain from acts of violence, assuring them that every effort will be made to have the questions involved determined by the proper legal tribunal.

Given at the Executive Chamber, at Trenton, this  
[L. S.] eighth day of May, A. D. one thousand eight  
hundred and seventy-two.

JOEL PARKER.

Attest :

JNO. A. HALL, *Private Secretary.*

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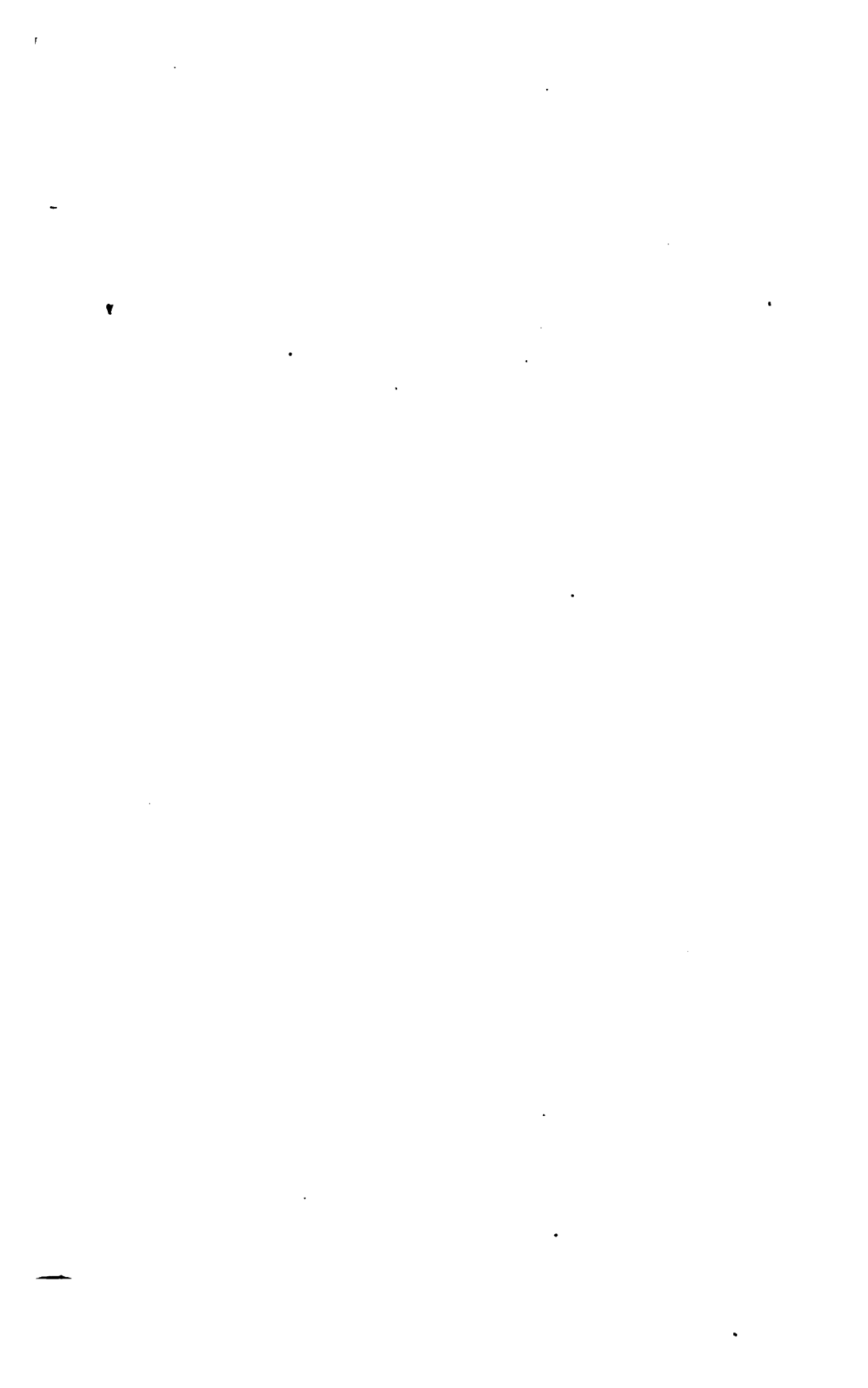
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# SPECIAL ACTS.

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# SPECIAL PUBLIC AND PRIVATE ACTS

PASSED BY THE

## NINETY-SIXTH LEGISLATURE.

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### CHAPTER II.

An Act to extend the charter of the State Bank at New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to establish state banks in New Jersey," passed January twenty-eighth, in the year of our Lord one thousand eight hundred and twelve, with the several supplements thereto, be and the same are hereby continued and extended so far as regards "The President, Directors and Company of the State Bank of New Brunswick," for and during the term of twenty years from and after the first Monday in February, in the year of our Lord one thousand eight hundred and seventy-five, on which last mentioned day and year this act shall take effect.

EDWARD BETTLE,  
*President of the Senate.*

NATHANIEL NILES,  
*Speaker of the House of Assembly.*

Approved January 29, 1872.

JOEL PARKER,  
*Governor.*

## CHAPTER III.

## An Act to incorporate the Middlesex County Bank, of Perth Amboy, New Jersey.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That William King, Eber H. Hall, U. Burdge Watson, William Hall, Charles McK. Smith, J. Lawrence Kearney, Patrick Convery, John Manning, Florian W. Gordon and their associates, shall be, and they are hereby created a body politic and corporate, by the name of the "Middlesex County Bank," and shall be located at Perth Amboy, in the county of Middlesex, state of New Jersey, and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the "Act concerning Corporations;"
- Corporate name and powers.** *provided,* that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, gold and silver bullion, and the national legal notes of the United States; and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debt, loans or contracts, or shall be conveyed or sold in full or part satisfaction of debts previously contracted in the course of dealing, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.
- Proviso.**
- Capital stock.** 2. *And be it enacted,* That the capital stock of the said corporation shall be fifty thousand dollars, with liberty to increase it to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and that
- Commissioners to receive subscriptions.** the said William King, Eber H. Hall, U. Burdge Watson, William Hall, Charles McK. Smith, J. Lawrence Kearney, Patrick Convery, John Manning, Florian W. Gordon, or a majority of them, shall be and they are hereby appointed commissioners to open books of subscription in the said county of Middlesex, for and receive subscriptions to said capital stock, giving at least fourteen days' notice in one of

the newspapers printed in said county of Middlesex of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for five successive days, unless the amount of said capital shall be sooner subscribed for; that at the time of subscribing for the said stock the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before fifty per centum of its capital stock shall be actually paid in cash.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than seven nor more than eleven directors, five of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and a majority of whom shall be residents of this state, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday of January in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least ten days' notice shall be given by the directors by an advertisement in one or more of the newspapers published in the county of Middlesex; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock standing in his, her, or their own name or names on the books of the corporation for thirty days at least next preceeding such election; that for the well ordering of said election the board of directors shall previously thereto appoint three stockholders not being directors to be judges thereof, who shall conduct said election and determine upon the legality of the votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges or a majority of them shall thereupon select from those not elected and having the highest number of

Directors, officers, &c.

Failure to  
elect directors  
not to dissolve

votes, as many as may be required to make up the full number of directors ; and the directors so elected or chosen shall at the first meeting thereafter, when a quorum shall be present, elect one of their number to be president, as well of their board as of said corporation ; and whenever a vacancy shall occur in said board of directors, by death, resignation or otherwise, such vacancy may be filled for the remainder of the year by the board of directors ; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election for directors shall in such case be held as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Election of di-  
rectors.

4. *And be it enacted*, That as soon as conveniently may be after the sum of twenty-five thousand dollars of said capital stock is subscribed, and actually paid in cash, the said commissioners or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the city of Perth Amboy, to elect the first board of directors, by giving at least ten days notice of the time and place of said meeting by advertisement in one or more of the newspapers published in the county of Middlesex, and at such meeting the said commissioners, or a majority of them, shall be the judges of the said first election, and shall have the same powers as the judges of the annual election of directors ; and they shall conduct the said first election as near as may be in the manner hereinbefore prescribed for said annual elections, such of the subscribers as may attend said meeting in person or by proxy being entitled to one vote for each share of stock respectively subscribed for by them ; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner hereinbefore prescribed for the election of a president, and shall also elect a cashier ; and after the said board shall be thus organized it shall be the duty of said commissioners to pay over to the said board of directors all the moneys received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys shall be full and absolute acquittance and discharge therefor, and the said board of directors shall hold their offices until the second

Tuesday in January, in the year one thousand eight hundred and seventy-three, and until their successors are chosen and qualified.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions in the state are liable to, and the real estate of such corporation may be taxed as other lands of banks in this state are or may be taxed, and that the board of directors, for the time being, shall have full power to call in the residue of the subscriptions to the said capital stock by such installments and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payment of any installments for non-payment, whereof said forfeiture is declared, shall be given by advertisement in one or more of the newspapers printed in the county of Middlesex; and *provided*, that said forfeiture shall not relieve subscribers of any liability on their subscriptions.

May call in amount subscribed under penalty of forfeiture.

Proviso.

Proviso.

6. *And be it enacted*, That the cashier shall be appointed by the board of directors; he shall be subject to removal at the pleasure of the board; and on such appointment or re-appointment the said cashier shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Cashier.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be

All bills and notes issued binding on the corporation.

assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her or their assignee or assignees, successively, and all bills or notes, bills obligatory, or of credit made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

Semi annual  
dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends, of so much of the profits of the business of said corporation as the board shall deem advisable; but no dividend shall be made of any part of the capital stock.

Rate of dis-  
count.

Proviso.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation, shall not exceed the legal rate of interest in this state, established for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale of the bonds, notes and bills of the government of the United States, and the bonds and securities of the state of New Jersey, or of any town, city or county thereof.

No transfer of  
stock shall be  
made by per-  
sons indebted  
to corporation

10. *And be it enacted*, That no transfer of the stock of said corporation shall be made by any stockholder from whom any debts are due to the said bank, or who is the drawer or indorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due, without the consent of the said board of directors; but such stock shall be and remain liable for the payment of such notes or bills of exchange.

Refusal to re-  
deem to debar  
banking op-  
erations.

Proviso.

11. *And be it enacted*, That if at any time the said corporation shall refuse or neglect, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplement thereto, approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated by this act.

12. *And be it enacted*, That if the said corporation hereafter become insolvent, the whole assets of the said corporation, at the time of its becoming insolvent, shall be first liable for its bills and notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets among the creditors of the said corporation, under the order or decree of the court of chancery, the holders of such bills or notes shall be equal in priority, and shall have a preference over all other creditors, except bona fide judgment or mortgage creditors.

Assets first  
liable for pay-  
ment of bills  
in case of fail-  
ure.

13. *And be it enacted*, That in case of the insolvency of said corporation the directors thereof shall be jointly and severally liable for all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of such bills or notes as if the same were their joint or several bills or notes, and executed by them in their individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and in case any director shall so attempt to resign his office, he shall be and continue liable the same as if such resignation had not been attempted, and such liability of the directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock to avoid his said liability; and in the case of the payment of any such bills or notes by any of the said directors, the other directors who may be liable shall account in the same way as the other joint debtors are accountable to each other; *provided*, no such suit shall be prosecuted against the said directors by such receiver or receivers, except for such deficiency as may remain after the assets of such corporation have been duly appropriated to the payment of said bills or notes, except in case of fraud committed by said directors.

Directors lia-  
ble for circula-  
tion.

Shall not re-  
sign to avoid  
liability.

Proviso.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of said bills or notes, then the amount that shall or may be realized from said assets and property, shall be distributed ratably among the holders of the said bills or notes; and the stockholders of the said corporation

Distribution  
of assets.

- at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers, that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than the said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.
- Stockholders liable, &c.**
- Proviso.**
15. *And be it enacted*, That in case of any action or suit at law against any director or directors of said corporation, by any receiver or receivers thereof, the said receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.
- Actions at law.**
- Proviso.**
16. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than one year nor more than five years, at the discretion of the court.
- Amount of bills issued.**
17. *And be it enacted*. That it shall be the duty of said corporation on the first Monday in the months of January, April, July and October in each year after commencing the business of banking, to publish in one or more of the newspapers published in the county of Middlesex, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statement now required by law; and shall within ten days
- Statements to be published.**



after making such statement forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and willfully and falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties therefor.

18. *And be it enacted*, That a majority in interest of the stockholders shall be residents of this state. Majority of stockholders to be residents of this state.

19. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature at any time hereafter to alter, modify or repeal the same whenever in their opinion the public good shall require it. Limitation.

Approved February 1, 1872.

#### CHAPTER IV.

A Supplement to the act entitled "An Act to incorporate St. Michael's Hospital," approved March ninth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the persons named in the act to which this is a supplement, as composing the board of directors of the corporation by that act created, the parish priest for the time being, of the Roman Catholic parish, in the township of Harrison, in the county of Hudson, and the senior lay member for the time being, of the board of trustees of the parish church of that parish; and also the parish priest for the time being, of each other Roman Catholic parish that may be created in said township of Harrison, or in the township of Kearney, in said county of Hudson; and the senior lay member for the time being of the board of trustees of the parish church of the parish, shall be members of said board of directors. Board of directors

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 1, 1872.

## CHAPTER V.

A Further Supplement to an act entitled "An Act to extend an act entitled an act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, anno domini eighteen hundred and sixty-eight, with the supplements thereto, to the township of Galloway, in the county of Atlantic.

Act extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, one thousand eight hundred and sixty-eight, with the several supplements thereto, be and they are hereby extended to the township of Galloway, in the county of Atlantic.

Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and are hereby repealed.

3. *And be it enacted*, That this act be deemed a public act, and take effect immediately.

Approved February 1, 1872.

## CHAPTER VI.

A Further Supplement to the act entitled "An Act to incorporate Saint Mary's Orphan Asylum, in the city of Newark," approved March tenth, eighteen hundred and fifty-three.

Election of directors. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the directors mentioned in and provided for by the supplement approved March ninth, eighteen hundred and sixty-six, to the act to

which this is a further supplement, the pastor for the time being of St. Pius' Roman Catholic Church, in the township of Harrison, in the county of Hudson, in this state, and the respective pastors for the time being of any other Roman Catholic Churches which may be established in said townships, or in either of them, shall be *ex officio* members of the board of directors of "Saint Mary's Orphan Asylum in the city of Newark," and that in addition to the directors, by the said supplement directed to be elected, there shall be two persons, laymen, members of the Roman Catholic parish, whereof said St. Pius' Church is the parish church, and two persons, laymen, members of each of the other Roman Catholic parishes that may be hereafter established or created in said township of Harrison, or in said township of Kearney, which lay directors, in this act provided for, shall be elected at the annual election of directors provided for in said supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 1, 1872.

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## CHAPTER VIII.

A Further Supplement to the act entitled "An Act to incorporate the Washington Manufacturing Company," approved January thirty-first, one thousand eight hundred and forty-four, and renew the charter of said company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the charter of the "Washington Manufacturing Company," incorporated by an act entitled "An Act to incorporate the Washington Manufacturing Company," and all the power thereby granted, or by any supplement and supplements thereto, shall be and the same are hereby extended and continued in full force for and during the term of fifty years from the time by said act

Act extended,  
and limitation

limited for its continuance, except so far as the act and supplements are amended by this act.

May increase  
capital stock.

Proviso.

Legislature  
may repeal.

2. *And be it enacted*, That the said corporation may, by resolution of its board of directors, from time to time and at any time hereafter, increase its capital stock to any amount not exceeding one million dollars; *provided*, that no such increase shall be made until at least two-thirds in interest of the stockholders shall consent in writing thereto.

3. *And be it enacted*, That this act shall take effect immediately; but it shall be lawful for the legislature of this state to alter, modify or repeal the same whenever the public good may require it.

Approved February 1, 1872.

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## CHAPTER IX.

A Further Supplement to an act entitled "An act to revise and amend the charter of the city of Trenton," approved March fifteenth, one thousand eight hundred and sixty-six.

reamble.

May borrow  
money.

WHEREAS, the common council of the city of Trenton find the finances of the city in an embarrassed condition, owing to accumulated bills against the city not presented at the beginning of the year, together with the deficiencies of former years, and sundry extraordinary expenses of the present year not anticipated at the time of making the annual assessment, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton to borrow on the credit of the said city, a sum not exceeding sixty thousand dollars, for the purpose of meeting the present deficiency in the finances of said city, and to such loan the limitation in the thirty-first section of the act to which this is a supplement shall not apply.

2. *And be it enacted*, That to secure the payment of said

loan the common council are hereby authorized to issue the bonds of said city for the amount of said loan, bearing interest at the rate of seven per centum per annum, payable semi-annually, and the principal of said bonds shall be paid within ten years from the date thereof; *provided*, that such loan shall be authorized by an ordinance of said common council, which ordinance shall provide the ways and means exclusive of loans, to pay the principal of said loan, and also the interest of such loan annually, which ordinance shall be irrevocable until such debt be paid; *and provided*, that such bonds shall not be disposed of at less than their par value.

May issue bonds.

Proviso.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1872.

## CHAPTER XI.

A Supplement to "An Act to incorporate the Millville Insurance Company," approved February twenty first, eighteen hundred and seventy-one.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the capital stock of the said company may be increased to any sum not exceeding two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

May increase capital stock.

2. *And be it enacted*, That the number of directors of said company may be increased to any number not exceeding thirty, whenever the board of directors shall by a resolution order such increase, and the directors who shall be ordered to be elected shall be elected for the remainder of the year by the old board of directors.

Directors.

3. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed dissolved; but such election may be held at any other time, and the directors, for the time

Failure to elect directors not to dissolve

being, shall continue to hold their office until new ones shall have been chosen in their places.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and they are hereby repealed, and that this act shall take effect immediately.

Approved February 6, 1872.

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## CHAPTER XII.

An Act to authorize the Trustees of the Methodist Episcopal Church of Woodbury to mortgage certain real estate.

Trustees authorized to mortgage real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church at Woodbury, or their successors in office, be and hereby are authorized and empowered to mortgage all the real estate and appurtenances, situate in Woodbury, in the county of Gloucester, now held by them in trust as the property, or for the use and benefit of the society of the said Methodist Episcopal Church at Woodbury, and for that purpose to make, execute and deliver a good and sufficient deed or deeds of mortgage therefor, to the mortgagee or mortgagees of the same, and that all and every such deed or deeds of mortgage shall be good and effectual in law.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved February 6, 1872.

## CHAPTER XIV.

A Supplement to an act entitled "An Act to incorporate the Humboldt Mutual Fire and Marine Insurance Company of New Jersey," approved March tenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the name and style of the corporation created by the act to which this is a supplement, shall be "The Humboldt Insurance Company of Newark, New Jersey." <sup>Corporate name</sup>

2. *And be it enacted*, That it shall be lawful for said corporation to increase its capital stock to five hundred thousand dollars, and to allow each shareholder one vote for every share of one hundred dollars standing in his name on the books of the company. <sup>May increase capital stock.</sup>

3. *And be it enacted*, That said company may increase the number of its directors to twenty-one, and that at the first meeting of the board of directors elected after such increase they shall divide themselves by lot into three classes of seven each, and the seats of the directors of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year; and that, at the expiration of the first year, and annually thereafter, seven directors shall be chosen, who shall hold their office for the term of three years, and until their successors shall be elected; and if vacancies happen, by resignation or otherwise, the persons elected to fill such vacancies shall be elected for the unexpired terms only. <sup>May increase number of directors.</sup>

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 6, 1872.

## CHAPTER XV.

A Further Supplement to the act entitled "An Act to incorporate the Passaic Water Company," approved February thirteenth, one thousand eight hundred and forty-nine.

Authorized to  
mortgage  
lands and  
works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of securing the bonds and indebtedness authorized to be made and incurred for any of the purposes mentioned in and authorized by the act entitled "A further supplement to the act entitled 'An Act to incorporate the Passaic Water Company,'" approved February thirteenth, one thousand eight hundred and forty-nine, which said supplement was approved March thirty-first, one thousand eight hundred and seventy-one, it shall be lawful for the said company to pledge, by way of trust, mortgage or otherwise, the whole of the lands, property and works, engines, boilers, reservoirs, pipes and appendages of the said company, now owned and constructed, or which may be purchased and constructed, together with the privileges, franchises and chartered rights of the said company; and such pledge, hypothecation, trust, bonds and mortgage shall have the same validity and effect in all respects as any pledge, hypothecation, trust, bonds and mortgage contemplated and authorized by any of the supplements to said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 7, 1872.



## CHAPTER XVI.

## An Act to incorporate the Rake Pond Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph J. White, Benjamin Ridgway, James S. Hulme, Eayre Oliphant, and William Parry, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Rake Pond Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the county of Burlington, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof.

Corporators.

Name and powers.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, which shall be divided into shares of fifty dollars each, and the said corporation may issue stock in payment therefor, and the subscriptions for stock shall be opened in the town of Mount Holly, in the county of Burlington, at such time as the directors may designate, under their direction or that of such persons as a majority of them may select.

Capital stock.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the power of the board, and they shall hold their office for one year, and until others are selected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such time and places in this state, as the by-laws may provide; and that until an election for directors shall be

Affairs, how managed.

held, the persons named in the first section of this act shall be directors.

Stock, how  
transferable.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 7, 1872.

## CHAPTER XVII.

A Supplement to an act entitled "An Act to incorporate the Bordentown Female College."

Charter ex-  
tended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the said "Bordentown Female College" shall be extended for twenty years after the time limited in the original act of incorporation.

Approved February 7, 1872.

## CHAPTER XVIII.

A Supplement to an act entitled "An Act to incorporate the West Hunterdon Railroad Company," approved March seventeenth, one thousand eight hundred and seventy.

Preamble.

WHEREAS, through inadvertence, the state assessment on the act to which this is a supplement, was not paid within the time required by the act entitled "An Act to increase the revenues of the state of New Jersey," by which inadvertence and non-payment of said state assessment, the said

act became void ; and whereas, it is desirable that said act should be revived ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the West Hunterdon Railroad Company," approved March seventeenth, one thousand eight hundred and seventy, be and the same is hereby revived, and shall stand in full force and effect, the same as if the state assessment required to be paid by the act entitled "An Act to increase the revenues of the state of New Jersey," had been paid within the time prescribed by law ; *provided*, that the state assessment on the said original act of incorporation, and on this supplement be paid before the first day of July next ensuing the passage of this supplement. Act revived.  
Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 7, 1872.

## CHAPTER XIX.

A Further Supplement to the act entitled "An Act to incorporate the Dime Savings Bank of the City of New Brunswick, New Jersey," approved February seventh, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "Dime Savings Bank," and the borrowers or lenders of any money secured by mortgage or other security upon personal or real estate, to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes which may be assessed upon the money so lent, or to be loaned, and the securities for the payment thereof ; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalid. May contract  
with borrow-  
ers to pay all  
taxes.

dated by reason of any such contracts or agreements, anything in any existing law of this state, to the contrary, notwithstanding.

Money, how  
to be invested.

2. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States, and by the several states of the Union, or by the several counties, cities or towns in this state, or by the cities of New York and Brooklyn, of the state of New York, under the laws thereof; nor on bond and mortgage, except on unencumbered real estate worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with the pledge of collateral securities, at least double the amount loaned; *provided*, said loan shall at no time exceed twenty per centum of the whole amount of assets.

Proviso.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1872.

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## CHAPTER XX.

A Supplement to the act entitled "An Act to incorporate the Monmouth County Agricultural Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen, of the act to which this is a supplement, be so amended as to read as follows, to wit: "*And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines, machinery, boats and other personal property for the uses and objects of the said company, and to secure the payment thereof by bond or mortgage, or otherwise, on the road, lands, privileges, franchises and appurtenances of or belonging to said corporation."

Amendment.

2. *And be it enacted*, That the said company shall have power to change the route of said road as the same is at present or may hereafter be located and filed; *provided*, <sup>Power to change route.</sup> *however*, <sup>Proviso.</sup> that no such change shall affect the termini of said road as named in the charter, nor shall such change depart more than one mile from the line of the location first filed; and any such change shall be filed in the office of the secretary of state in connection with the original location.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1872.

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## CHAPTER XXI.

An act to incorporate the Star Rubber Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philip P. Dunn, Charles L. Pearson, Thomas Clymer, William W. Ward and James H. Bruere, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of "The Star Rubber Company," for the purpose of making and manufacturing india rubber goods, in the county of Mercer, in this state, and shall have power to manufacture and deal in all goods and articles of merchandise whatsoever, which may or can be made wholly or in part of india rubber, and to engage in, and carry on, all business incident thereto; and may purchase and acquire, have, hold, use and enjoy all real and personal estate, mills, buildings, factories, stores, machinery and other property whatsoever, which they may deem necessary or useful for the purposes aforesaid, and may sell, lease, mortgage or otherwise dispose of the same, or any part thereof, as they may deem most for the interest and benefit of the said corporation. <sup>Name and powers.</sup>

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, with power in said cor- <sup>Capital stock</sup>

poration to increase the same to any amount not exceeding two hundred thousand dollars, and said stock shall be deemed personal property, and shall be transferable in such manner as the by-laws may direct.

Election of directors, &c.

3. *And be it enacted*, That the business and affairs of said corporation shall be managed and conducted by not less than three nor more than seven directors, a majority of whom shall be residents of this state, and all of whom shall be stockholders in said company, and said directors shall hold their office for one year, and until others shall be duly elected in their stead; and the election for directors shall be held annually at such time and place as the by-laws may direct; and at every election for directors the stockholders shall be entitled to one vote for every share of stock by them respectively owned, and may vote either in person or by proxy; and the board of directors shall have power to make and adopt a common seal for said corporation, and shall choose one of their number to be president, and may appoint from their own number or otherwise a treasurer and secretary and such other officers and agents of said corporation as they may deem necessary, and fix and appoint their salaries or pay, and may make such by-laws, not inconsistent with this act, or with the laws of this state, or of the United States, as they may deem proper for regulating the issue and transfer of stock, and for the general government, management and control of the affairs, manufactures and business of the said corporation; and a majority of the directors shall constitute a quorum for the transaction of all business.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said corporation at such times and places in this state, and upon such notice, as they shall direct, and at the time of subscribing for such stock, such amount on each share subscribed for shall be paid to said commissioners as they, or a majority of them, shall determine, and the residue of the subscription shall be paid or satisfied in such installments, and at such times and in such manner, and to such person or persons as the directors may from time to time decide and direct, giving notice of such time and place, and person or persons, by notices published in a newspaper printed and published in said county of Mercer, for two weeks, at least once in each week; and if any person shall fail to pay or satisfy such installment, the directors may declare his

stock forfeited to and for the use and benefit of said corporation; and any buildings, lands, mills, machinery, materials, or other property, which may be useful to said company in carrying on its manufacturing and other business, may be received in payment, in whole or in part, for the subscriptions to its capital stock, and at such valuation as may be decided upon and approved by a majority of said commissioners or directors, or a majority of the stockholders; but this provision as to payments for subscription to stock is not to apply to shares of the increased stock, in case the capital should be increased under the authority herein given.

5. *And be it enacted*, That the said corporation may commence their business and operations whenever fifty thousand dollars of its capital stock shall be subscribed for and paid in, and the said commissioners, or a majority of them, shall thereupon, as soon as they deem it expedient, give notice for ten days at least, by publication in one of the newspapers of said county, of a meeting of the stockholders to be held at a time and place, to be mentioned in said notice, for the election of not less than three nor more than seven directors, who, when duly elected, shall hold their office until the next meeting for the election of directors, and until a new board shall have been elected and qualified in their stead.

6. *And be it enacted*, That it shall be lawful for the directors of said company to borrow from time to time such sum or sums of money as they may deem necessary for the better conducting and managing the affairs of the company, not exceeding in the aggregate twenty-five thousand dollars, and to secure the same by bond and mortgage on the real and personal property of the company, or any part thereof, and in addition to the legal rate of interest, it shall be lawful for said company to pay and for the lender or lenders to receive the taxes which may be assessed on such loan or the securities given therefor.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years, unless sooner repealed.

Approved February 8, 1872.

## CHAPTER XXII.

Supplement to an act entitled "An Act to incorporate the Millville Manufacturing Company," approved March tenth, one thousand eight hundred and sixty-five.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers granted by said act, the said company shall have power to purchase and hold all or any of the real estate, late of Richard D. Wood, deceased, situate in this state, and to carry on the branches of manufacture lately carried on by said Richard D. Wood, deceased, in this state, and to transact all business connected therewith.
2. *And be it enacted*, That said company shall have power to purchase, hold, and use such other real estate or personal property as may be necessary or convenient for carrying on the said branches of manufacture, and to use, improve, lease, mortgage, sell, or convey any of their property at pleasure.
3. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, such persons as the stockholders at said meeting may appoint or in default of such appointment, then the directors for the time being, and the survivor or survivors of them, shall be trustees for the settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.
4. *And be it enacted*, That the factories and works of said company may be located in the counties of Cumberland, Burlington and Atlantic.
5. *And be it enacted*, That this act shall take effect immediately.
- Approved February 8, 1872.

Power to purchase and hold real estate.

May lease and mortgage property.

How dissolved.

Proviso.

Works, where located.



## CHAPTER XXIII.

## An Act relative to the Union Bank at Mount Holly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin F. Shreve, Benjamin Ridgway, Charles M. Harker, Jacob Merritt, Franklin B. Levis, Edward L. Bowne, Isaac Fenimore, Benjamin C. Campion, Samuel A. Dobbins, Joshua Tomlinson, Josiah B. Pew, Franklin Githens, Samuel H. Horner, John Forsyth, Jacob H. Leeds, Mark H. Sooy, Caleb Wilkins, and their associate shareholders in the Union Bank at Mount Holly, an association formed at Mount Holly, in the county of Burlington, New Jersey, and organized under the provisions of an act of the legislature, entitled "An Act to authorize the business of banking," and their successors and assigns be, and they are hereby constituted a corporation and a body politic, by the name and style of "The Union Bank at Mount Holly," and by that name shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the "Act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, gold and silver bullion, and the national legal notes of the United States, stocks of the states or of the United States, and shall in no case hold any real estate, goods or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution, for the purpose of bona fide making or securing of debt or debts due or owing said corporation.

Name and powers.

Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred and fifteen thousand dollars, to be divided into shares of fifty dollars each, with the privilege of reducing the paid-up capital, if the directors deem it expedient to do so, to any amount not under fifty thousand dollars, and of increasing said capital to any amount not

Capital stock.

exceeding three hundred thousand dollars, at any time during the continuance of this act; and that the owners of stock in said association so organized as aforesaid, shall be the stockholders in the corporation created by this act, and shall hold the same number of shares therein that they may hold in the said association at the time of the passing of this act.

Certificate of acceptance to be filed.

3. *And be it enacted*, That the association organized as aforesaid shall, on the passage of this act, and the acceptance of the same by the directors of the said association, and the filing in the office of the secretary of state a certificate of such acceptance signed by the president and cashier under the seal of the association, be deemed and taken to be merged in the corporation created by this act, and from that time all the property, real and personal of said association shall vest in and be deemed and taken to belong to the corporation created by this act, their successors and assigns, and with the same remedies at law and in equity in respect thereto, as if the original association and subscription to the stock had been made under this act; *provided*, that the new corporation shall be liable to all the debts and obligations of the said association.

Proviso.

Board of directors to manage affairs.

4. *And be it enacted*, That the affairs of the corporation shall at present be managed by a board of seventeen directors, all of whom shall be stockholders, and three fourths of whom shall be citizens of this state, a majority of whom shall be a quorum for the transacting of business, except in case of discount, which may be regulated by the by-laws, which directors shall be elected annually in the manner hereinafter described, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; *provided*, that the stockholders shall have the right and privilege at any annual election of reducing the number of directors, so that not less than nine shall constitute the board; *provided, also*, that the persons named in the first section of this act shall constitute the first directors of the corporation created by this act, and shall hold their offices until their successors are duly elected.

Proviso.

Proviso.

Election of directors.

5. *And be it enacted*, That the first election for directors of the said corporation created by this act, shall be held on the second Tuesday in January, in the year of our Lord, one thousand eight hundred and seventy-three, and on the same day annually thereafter, at the banking house of said cor-

poration in Mount Holly, at such time of day as the board of directors shall appoint, of which election at least fourteen days previous notice shall be given by the directors by an advertisement in one or more of the newspapers published in the county of Burlington, for the well ordering of which election, the board of directors shall previously thereto appoint three stockholders not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who are elected (and no person shall be eligible as a director unless he is at the time the bona fide owner in his own right of at least one thousand dollars' worth of the stock of said corporation at the par value thereof), that said elections shall be by ballot, and be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock held in his, her or their names at the time of the election, and the persons who shall have the greatest number of votes shall be directors; and if it should so happen that two or more persons have an equal number of votes, then the directors of the preceding year or a majority of them shall proceed by ballot and plurality of votes to determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number; and the directors so elected as soon as may be thereafter, when a quorum shall be present, shall proceed to elect by ballot and by a majority of votes, one of their number to be president, as well of their board as of the corporation, and whenever any vacancy or vacancies shall happen among the directors by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the other directors for the time being, or a majority of them shall appoint; and if at any time it shall happen that an election of directors shall not take place on the day herein prescribed, the said corporation shall not for that reason be deemed dissolved, but an election may be had as soon as conveniently may be thereafter, upon like notice, and at the place and in the mode specified.

Failure to  
elect directors  
not to dissolve

6. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be transferable on the books of the corporation in the manner prescribed by the by-laws of said corporation; but no transfer

Stock, how  
transferable.

of the stock shall be made by any stockholder from whom any debt or debts are due to the said bank, or who is the drawer or indorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due, without the consent of the said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

All bills and  
notes issued  
binding on  
corporation.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar, and the bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier, and when so signed and issued promising the payment of money to any person, or to his order, or to the bearer, shall be binding and obligatory on said corporation as if made by a natural person or persons, and shall be negotiable in like manner, but that the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause, or suffer to be issued bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than one year, nor more than five years in the discretion of the court.

Cashier.

8. *And be it enacted*, That there shall be a cashier of said bank appointed annually, liable, however, to be removed and another appointed in his stead at the pleasure of the said board of directors, such appointment or removal only to be made by a majority of the directors, and on such appointment the said cashier shall, before he enters upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bonds with good and sufficient security, to be approved by the board of directors, in a sum not less than twenty-five thousand dollars, with conditions for the faithful performance of his duties as cashier of said bank.

Semi-annual  
dividends.

9. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annually dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

10. *And be it enacted*, That the rate of discount at which

loans may be made by said corporation shall not exceed the legal rate of interest in this state established for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof, and the purchase and sale of the bonds, notes, and bills of the government of the United States, and the bonds and securities of the state of New Jersey, or of any town, city, or county thereof.

11. *And be it enacted*, That if at any time the said corporation shall refuse or neglect, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An Act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplement thereto approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated and chartered by this act.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent, shall be first liable for the redemption of its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such notes or bills shall be equal in priority and shall have a preference over all the other creditors.

13. *And be it enacted*, That three fourths of the directors of said corporation shall be residents of this state, and all of them shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their

individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and if in case of payment of any such bills or notes by any of said directors, the other directors who may be liable, shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver under the provisions of this act shall be sold until after the expiration of six months from the date of such judgment or decree; *provided also*, no such suit shall be prosecuted against the said directors by such receiver or receivers, except for such deficiency as may remain after the assets of such corporation have been duly appropriated to the payment of such bills or notes, except in case of fraud committed by said directors.

Proviso.

Proviso.

Stockholders  
liable for cir-  
culation.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes; and the stockholders of the said corporation, at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than the said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

15. *And be it enacted*, That in case of an action or suit at Action at law. law against any director or directors, stockholder or stockholders under any of the preceding sections of this act, the receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to Proviso. the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on and the numbers and denominations thereof.

16. *And be it enacted*, That it shall be the duty of said Statements to be made. corporation on the first Monday in the months of January, April, July and October, in every year, to make the statements required to be made by the other banks of this state by the act entitled "An Act to punish frauds committed on the incorporated banks of this state, and for the better regulation of said banks," approved April sixteenth, one thousand eight hundred and forty-six.

17. *And be it enacted*, That a majority in interest of the Majority in interest to be residents of this state stockholders shall be residents of this state, and this act shall be deemed and taken to be a public act and shall go into effect immediately, and continue in force for twenty years; Limitation. but it shall be lawful for the legislature at any time hereafter to alter, modify or repeal the same whenever, in their opinion, the public good shall require it.

Approved February 8, 1872.

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## CHAPTER XXIV.

A Supplement to an act entitled "An Act to incorporate the German Hospital."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled Amendment. "An Act to incorporate the German Hospital," approved the thirteenth day of February, 1868, be and the same is hereby amended so as to read, "The board of directors shall

consist of twelve persons, to be elected at the annual election meeting of its members, who shall divide themselves into two classes, six of them to serve for one year and the other six for two years; the successors of all these directors to be elected for two years at any subsequent election."

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1872.

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## CHAPTER XXV.

An Act to confirm the acknowledgment of a certain deed for lands in Elizabeth, Union county, made by Henry S. Dickenson.

Preamble.

WHEREAS, it appears that Henry S. Dickenson, at that time vice-chancellor of the state of Mississippi, on the thirtieth day of March, in the year eighteen hundred and fifty-three, took the acknowledgments of Willis Pope, jr., and Sarah F. his wife, to a deed of conveyance for certain lands, in Elizabeth, Union county, which deed of conveyance was made by said Willis Pope, jr. and his said wife, to Abel S. Hetfield, bears date the tenth day of January, eighteen hundred and fifty-three, and was recorded in the clerk's office of the said county of Union, in Book sixty-four of Deeds, pages one hundred and ninety-nine and two hundred; and whereas, said Henry S. Dickenson was not empowered by the laws of this state to take such acknowledgment, therefore,

Acknowledg-  
ment declared  
valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said acknowledgment of said deed of conveyance be, and the same is hereby confirmed and declared valid and effectual in like manner as though the said Henry S. Dickenson, at the time of his taking and certifying the same, had been authorized by the laws of this state to take and certify the same; and that said record of said deed shall be as good and sufficient evidence of the title



of the lands described therein, as though such acknowledgment had been taken and certified by a master in chancery of this state.

2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved February 8, 1872.

## CHAPTER XXVI.

An Act to enable the Trustees of School District Number Sixty-six, in the township of Pittsgrove, in the county of Salem, to erect a school house, and to raise money to pay for the same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number sixty-six, in the township of Pittsgrove, in the county of Salem, be and they are hereby authorized to erect a building for the public school in said district, with the necessary fences, out-houses and conveniences, and to provide the said school house with proper furniture, apparatus and fixtures, and to pay the cost and expenses thereof, not exceeding the sum of two thousand dollars.

Trustees authorized to build a school house.

2. *And be it enacted*, That it shall be the duty of the trustees of said school district to certify to the assessor of taxes of the township of Pittsgrove, in the county of Salem, on or before the first day of June, in the year one thousand eight hundred and seventy-two, the amount, not exceeding the sum of two thousand dollars, that will be necessary to pay the cost of said school house and furniture; which sum of money, so as aforesaid certified, said assessor is hereby authorized and required to assess as a special tax, upon the personal property of the inhabitants of said school district, and upon the real estate situate within said school district, in the same manner as township taxes shall be assessed; which special tax shall be collected upon a duplicate thereof, delivered to the collector of said township of Pittsgrove by said assessor, at the same

Tax for building school house, how assessed and collected,

time, and in the same manner, as township taxes shall be collected; and shall be accounted for and paid over by the said township collector, for the purposes specified in this act, upon the order of the trustees of said school district.

Trustees to  
award con-  
tract.

3. *And be it enacted*, That it shall be the duty of the trustees of said school district to procure plans and specifications of said school house, and to give ten days' public notice for proposals, and to award the contract for building said house to the lowest responsible bidder.

Trustees to  
make report,  
&c.

4. *And be it enacted*, That said trustees shall keep accurate accounts of all moneys received and expended for the erection of said building, and shall make a report of the same at the first annual meeting held for the election of trustees, subsequent to the completion of said building.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1872.

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## CHAPTER XXVII.

An Act to authorize the Trustees of the Methodist Episcopal Churches of New Providence and Union Village to sell and convey certain real estate.

Trustees an-  
thorized to  
sell real estate

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of New Providence, in the township of New Providence, and county of Union, and the trustees of the Methodist Episcopal Church of Union Village, in the township of Warren, and county of Somerset, or their successors in office, be and hereby are authorized and empowered to sell and convey the real estate, or any part thereof, with the appurtenances to the same belonging, or in any wise appertaining thereto, situate in New Providence, and now held by the two boards of trustees aforesaid, in joint and special trust, and known as the parsonage property, and now occupied as such; and to make, execute and deliver a good and sufficient

deed of conveyance therefor to the purchaser or purchasers thereof, and that such deed of conveyance shall be good and effectual in law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1872.

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## CHAPTER XXVIII.

### An Act to incorporate the Hamilton Rubber Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert S. Manning, Robert L. Hutchinson, George W. Norton, Charles V. Mead and Augustus G. Richey, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Hamilton Rubber Works," for the purpose of manufacturing and selling rubber goods, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of one hundred and fifty thousand dollars, to be divided into shares of five hundred dollars each, with the privilege of increasing the same to two hundred and fifty-thousand dollars; and it shall be lawful for said company to issue certificates of stock; *provided*, such stock shall be paid up in cash, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one half of their paid up capital stock; and may sue and be sued in all courts of law or equity, and may have and use a common seal, and

Proviso. may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States, or of this state.

Affairs to be managed by directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place Robert S. Manning, Robert L. Hutchinson, Charles V. Mead, George W. Norton and Augustus G. Richey, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions when assembled at such place as the by-laws of the said corporation shall direct, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancies by the appointment of any stockholder.

Failure to elect not to dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Statement to be made.

5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office.

6. *And be it enacted*, That the principal office of said company shall be in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have

free access at all reasonable times, for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

7. *And be it enacted*, That the said corporation hereby <sup>How dissolved</sup> created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders <sup>Proviso.</sup> shall concur therein; and upon such dissolution, the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation hereby created <sup>General powers.</sup> shall possess the powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same may be applicable.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1872.

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## CHAPTER XXIX.

An Act to incorporate the Alden Fruit Preserving Company of Camden.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Oscar Vezin, R. H. Morris, <sup>Corporators.</sup> Edward W. Keene, and their associates and successors, are hereby made and constituted a body politic and corporate in law, by the name of "The Alden Fruit Preserving Company <sup>Name.</sup> of Camden," for the purpose of purchasing, preserving, and

- selling fruits, vegetables, meats, fish, &c., and for the purpose of transacting any business that may be properly connected therewith; that the factories or works of the said The Alden Fruit Preserving Company of Camden, shall be located in the county of Camden, in this state; that the capital stock of the said company shall be twenty thousand dollars, and shall be divided into shares of one hundred dollars each.
- Capital stock.** 2. *And be it enacted*, That the said corporation may purchase, hold, and enjoy any such real estate, and erect any such buildings thereon, and obtain and possess and enjoy any such machinery, goods and chattels as may be necessary or expedient to said corporation for carrying on its business; and whenever it shall see fit, the said corporation may sell, mortgage, lease, or otherwise dispose of the same at pleasure.
- May purchase and hold real estate.**
- How managed** 3. *And be it enacted*, That the business or affairs of the said corporation shall be managed by not less than three nor more than seven directors, one of whom shall be president of said corporation; and said directors shall be stockholders in said company, and shall hold their office for one year and until others shall be chosen to fill their places; that the directors shall be elected at such time and place as the by-laws of the said corporation may fix, and annually thereafter; and that until such election the associates named in this act shall be directors of said corporation; and a majority of the directors at any time shall constitute a board competent to transact business, and all business before them shall be decided by a majority of votes of those present; and in case any vacancy shall occur in the board of directors by death or resignation, the directors who may remain, or a majority of them for the time being, may appoint any stockholder to fill the said vacancy.
- Directors.**
- Failure to elect not to dissolve.** 4. *And be it enacted*, That in case an election for directors shall not take place upon the day designated for that purpose by the by-laws, the said corporation shall not be dissolved, but the stockholders may proceed and hold an election at any time, upon giving ten days' notice of the time and place of holding such election.
- Stock, how transferable.** 5. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal estate, and be transferable in such manner as may be prescribed by the by-laws of said corporation.
- Directors to make by-laws.** 6. *And be it enacted*, That a majority of the directors for the time being shall have power to ordain and establish such

by-laws and regulations as shall seem necessary for the management of the affairs of the said corporation; *provided*, Proviso. that the same shall not be contrary to the constitution of the United States or of this state.

7. *And be it enacted*, That regular books of account shall be kept, in which shall be entered the transactions of the said corporation, and that books of transfers of the stock shall also be kept, and shall be evidence of the ownership of said stock. Books of account to be kept.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. General powers

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1872.

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## CHAPTER XXX.

### An Act to incorporate the Camden Rifle Club.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Kobus, Christopher Schweinhagen, Louis Creeger, Frederick Brum, Christopher Schemner, Edward Shuster, John Pfeifer, Anthony Voll, Adam Schweinhagen, Henry Groskopf, John Welsh, G. Goetz, and their associates, successors and assigns, shall be and they hereby are created a body politic and corporate, in deed and law, by the name, style and title of the Camden Rifle Club, Corporators. Name. and by that name shall have perpetual succession, and shall sue and be sued, plead and be impleaded, to purchase, receive, hold, and enjoy to them and their successors, all property of what nature or kind soever, be the same real, personal or mixed, and the same, or any part thereof, to sell, assign or otherwise dispose of for the use of said association;

**Proviso.** *provided*, that the clear annual value of the property possessed by said association shall not exceed ten thousand dollars (\$10,000.)

**Capital stock, and object.** 2. *And be it enacted*, That the capital stock of said association shall be fifty thousand dollars (\$50,000), with power to increase the same to one hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the object of said association shall be to purchase a lot of ground and erect the necessary improvements thereon, to afford to its members and others opportunities of acquiring skill in the use of the rifle, and to test the comparative merits of the various kinds of fire-arms, without prejudice to the public convenience and safety.

**Powers.** 3. *And be it enacted*, That the said association shall have power to make and use a common seal, and the same to alter or renew at pleasure, and to issue certificates of stock in such form and subject to such regulations as they, from time to time, by their by-laws may prescribe, and to make such by-laws, rules and regulations as may be deemed necessary and proper for the management of their said association; *pro-*

**Proviso.** *vided*, that no by-law, rule or regulation shall be contrary to the constitution and laws of the United States, or of this state.

Approved February 8, 1872.

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## CHAPTER XXXI.

An Act incorporating the Good Will Hook and Ladder Company, of Freehold, county of Monmouth.

**Corporators.** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles Haight, Aaron R. Throckmorton, James J. Conover, George C. Hulett, Enoch L. Cowart, David S. Crater, Thomas A. Ward, Charles J. Parker, George B. Cooper, Charles F. Richardson, and all persons who now are or hereafter shall become associates of the Good Will Hook and Ladder Company, of the borough



of Freehold, county of Monmouth, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Good Will Hook and Ladder Company, of Freehold," and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure, and by their corporate name aforesaid, and under their common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Name and powers.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of ten thousand dollars (\$10,000), which shall be applied to the purchase and holding of real estate, and the procuring of such implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow-citizens from injury or destruction by fire.

Capital stock.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a president, out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the company.

Officers.

4. *And be it enacted*, That the Good Will Hook and Ladder Company, of Freehold, be, and they are hereby authorized to submit to the commissioners of the borough of Freehold their list of members, constitution and by-laws, and they shall be subject to such regulations as the said board of commissioners shall deem best to make, so long as they may

List of members, &c. to be returned.

be entrusted with any property belonging to the town in charge of said board.

Annual statement.

5. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of said company, not less than fifteen days, and not more than thirty days, before each annual election.

Property exempt from taxation.

6. *And be it enacted*, That the property of said company, held under this act, shall be free and exempt from taxation and assessments.

Members exempt from jury duty.

7. *And be it enacted*, That all persons during the period of their actual membership of the company organized by this act, shall be exempt from jury and military duty, and all persons having served as members of said company for a period of seven years, and having received a certificate from the officers of said company to that effect, shall be forever exempt from such duty in this state.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

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## CHAPTER XXXII.

A Supplement to the act entitled "An Act to incorporate the Half-Dime Savings Bank of the town of Orange, in the county of Essex," approved March seventeenth, eighteen hundred and seventy.

Change of name.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the corporation created by said act shall hereafter be known under and by the name of "The Half Dime Savings Bank."

Vacancy, how filled.

2. *And be it enacted*, That it shall be lawful for any number, not less than ten, of the board of managers of said corporation to declare vacant the seat of any manager who may have neglected to attend the regular meetings of said board for the space of six months or longer, and to fill any vacancy

which may at any time occur in said board, by death, resignation or otherwise : and also to establish the rate of compensation, if any, to be paid to the several officers mentioned in the fourth section of said act.

3. *And be it enacted*, That the fourteenth section of said <sup>Repealer.</sup> act, as well as all other parts of said act which are inconsistent with the provisions hereof, shall be and the same are hereby repealed ; and that this act shall take effect immediately.

Approved February 14, 1872.

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### CHAPTER XXXIII.

A Supplement to "An Act to incorporate the Washington Fire Company, Number One, of Mattawan township, Monmouth county," approved March seventeenth, eighteen hundred and seventy.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the following boundaries, and <sup>Boundaries.</sup> them only, shall embrace the jurisdiction of the trustees of the said fire company : beginning at the mouth of Mohingson creek ; thence up said creek to the Freehold and Keyport turnpike ; thence in a straight line to the easterly corner of the dam that forms Doc. Gerans ice pond on Gravelly brook ; thence up said brook to a point in the line between Garret A. Roberts and the estate of D. P. Baily, deceased ; thence on a north-westerly course along the line of said Roberts and Bailey to the Freehold and Keyport turnpike ; thence south along said turnpike to a point opposite to the southerly point or corner of John Donnelley's land ; thence on a north-westerly course to a point near the head or source of Mattawan creek ; thence down and along the line of said creek to the place of beginning.

2. *And be it enacted*, That the members of the said fire <sup>Trustees.</sup> company be, and are hereby authorized at their next annual meeting, and annually thereafter, to elect by a plurality of

votes, five trustees, whose duties shall be the same as specified in the act to which this is a supplement; and that the present trustees shall hold their office until others are elected.

Money, how  
assessed and  
collected.

3. *And be it enacted*, That the legal voters embraced within the aforesaid boundaries, are hereby authorized to raise by taxation (to be assessed and collected as other taxes are assessed and collected), a sum of money not to exceed two thousand dollars, to be divided into, and voted for in such yearly sums as the trustees of said fire company may deem expedient; and to be applied as the act, to which this is a supplement, directs; and when the aforesaid sum is collected, then the said legal voters may raise, as aforesaid, a further sum, not to exceed one hundred dollars annually, to be paid over to the said trustees, and to be by them applied for the purpose of improving and keeping in repair the property of the said fire company.

Money raised,  
how applied.

Election.

4. *And be it enacted*, That an election to carry this act into effect, shall be held on the second Tuesday in May next, and annually thereafter, between the hours of 9 o'clock, A. M., and 4 o'clock, P. M., at the engine house of said company, and the said trustees shall give eight days public notice of the time and place of holding such election, and shall appoint two of their number to act as inspector and clerk of such election; who shall be governed by the laws regulating elections in this state; and a plurality of the legal votes cast at said election for the amount of money specified to be raised, shall be binding and collectable in law, on the inhabitants of said fire district.

Repealer.

5. *And be it enacted*, That so much of the act, to which this is a supplement, as conflicts with the provisions of this act be, and they are hereby repealed.

6. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved February 14, 1872.

## CHAPTER XXXIV.

An Act for the purpose of raising money to construct and complete a Public School Building in District Number Eleven, of Readington township, Hunterdon county.

WHEREAS, the trustees of school district number eleven, of <sup>Preamble,</sup> Hunterdon county, have purchased a lot, and partly erected thereon, a public school building, which land and building when finished, and furniture necessary in said building, will cost about the sum of six thousand dollars; and whereas, an assessment of one thousand dollars thereof, was made on the taxable inhabitants of said school district for said purpose in the year eighteen hundred and seventy-one, which has been paid, by said taxable inhabitants, in part; but some of said inhabitants have not paid their assessment by reason of technical objections to the form of the proceedings by which the assessment was laid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of said district number eleven, and their successors in office, are hereby authorized to finish the erection and construction of said public school building, and to construct and excavate a well and cistern on the said lot, and to provide the necessary furniture and apparatus and outbuildings in said school building, and on said premises; and to pave and flag so much of said lot, or the walks therein, as may be desirable; and to construct fences in and around the same, and to make such other improvements, as to said trustees or their successors, may seem desirable, in order to protect the health and secure the comfort and cleanliness of the children; and to pay for the work already done, and materials furnished in and about the location and construction aforesaid; and to expend there-  
Trustees to  
fin. b. &c.  
school build-  
ing.  
  
May expend  
money.
for any sum or sums of money that may be necessary, not exceeding six thousand dollars in all; and it shall be lawful, and the township committee of said township of Readington, are hereby authorized and required, whenever called upon by the trustees of said school district for the time being, for that purpose, to issue bonds in the name of "the inhabitants

- Bonds to be issued.** of the township of Readington, in the county of Hunterdon," payable to the bearer thereof, with interest at seven per centum per annum, payable annually, under the hands and seals of the members of said township committee; the said bonds to be at the disposal of said trustees for the time being,
- Proviso.** for the purposes named in this section; *provided*, however, that said members of said committee, shall not be personally liable on said bonds.
- Bonds, when payable.** 2. *And be it enacted*, That said bonds shall be of the denominations which said trustees, for the time being, shall direct; that not exceeding two thousand dollars of the whole sum for which said bonds shall be issued, shall be due and payable in one year from the date of their issue; that one thousand dollars of said sum shall be due and payable annually thereafter; and that said bonds shall be made payable accordingly.
- Power of the township committee.** 3. *And be it enacted*, That said township committee shall have power and authority, and are hereby required to provide for the payment of said bonds, and the interest thereon, as the same shall become due and payable, by taxation on the estates of the inhabitants of said school district number eleven; and on all the lands liable to be taxed therein, which taxes shall be assessed, levied and collected, in the same manner, at the same time, and by the same means as other township taxes are; but in assessing the first amount, not exceeding two thousand dollars, the assessor of taxes for the said township, for the time being, shall assess the amount, the town committee shall direct to be raised, in excess of one thousand dollars, only upon those taxable inhabitants of said school district, who have not paid their aforesaid assessment, made in the year eighteen hundred and seventy-one.
4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.
- Approved February 14, 1872.

## CHAPTER XXXV.

An Act to authorize the trustees of School District Number Sixteen, of the county of Burlington, in the township of Beverly, to borrow money by issuing bonds to purchase land for and erect and furnish a school building.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number sixteen, of Burlington county, New Jersey, be and they are hereby authorized to borrow any sum of money, not exceeding twenty thousand dollars in all, that they may find necessary, for the purpose of purchasing land, and erecting school buildings thereon, within said school district, and furnishing the same. Trustees may borrow money

2. *And be it enacted*, That for the purpose of securing the payment of said loan, with interest, the said trustees may issue bonds in their corporate name and capacity, to the lenders of said moneys, in amounts not less than one hundred dollars each, with coupons attached; said bonds to draw interest at the rate of seven per centum, payable semi-annually, and to be redeemable at the pleasure of the board, in not less than two nor exceeding twenty years; and said bonds shall be registered, or not, at the option of the purchaser, in a book to be provided and kept for that purpose by said trustees; and said bonds shall be assignable at law, and shall be a first lien in the nature of a mortgage upon the lot of land and buildings thereon, to be purchased and erected with the proceeds thereof, and such lien may be enforced by any court of competent jurisdiction, in the same manner as ordinary mortgage liens now are, or hereafter may be enforced; *provided*, that the lien of such bonds may be postponed to the lien of a mortgage for consideration money for said lot of land. May issue bonds. Proviso.

3. *And be it enacted*, That in order to provide for the payment of the said loan, as the same matures, with the interest which shall from time to time accrue thereon, it shall be the duty of the assessor of Beverly township annually to levy and assess upon the inhabitants of said district, and their Special tax, how assessed and collected.

estates, according to the boundaries of said district, and in the same manner as other taxes are now levied and assessed, a special tax of two and one-half mills on each dollar of said personal and real estates, which assessment shall be collected by the officers now or hereafter authorized by law to collect township taxes, and shall be separately accounted for by him to the school trustees quarterly, and to the people at the annual town meeting; and shall pay all interest coupons as they mature, and all balances remaining upon orders drawn by the board of trustees for the payment of bonds; said trustees to give preference in the redemption of bonds in the order of their number.

Treasurer.

4. *And be it enacted*, That the funds raised by the negotiation of said bonds shall be received by the treasurer of said board of school trustees, and shall be accounted for by him to the district, and be used for the purposes mentioned in the first section of this act; and such treasurer shall, before he receives any portion of said loan, give good and sufficient security to the said district, by its incorporate name, to be approved by the trustees, for his faithful conduct in the execution of his office, and for rendering a just and true account of all moneys received and paid out by him, and for the payment to his successor in office of any balance found in his hands; and said successor shall also in his turn give like security with like condition.

Act to take effect when approved by legal voters.

5. *And be it enacted*, That this act shall not take effect unless it be first approved by a majority of such legal voters of said school district, as may attend and vote at a meeting of said voters, held after ten days' notice thereof, given by the district clerk of said district, by at least five printed notices, put up in five of the most public places within said district, setting forth the time, place and objects of said meeting, which vote shall be taken by ballot, to be written or printed, or partially written and partially printed, with the words "for approval," or "against approval;" and the board of trustees shall constitute a board of election of the said school meeting, and shall declare the result; and in case of the absence or failure to serve of any or all of said trustees, then the inhabitants so assembled shall choose two of their number, who shall be judges of said election; and the said district clerk shall be clerk of said meeting, and shall keep a list of all voters who shall vote at said meeting; and the polls shall be kept open at least two hours, and the bal-

Election, how conducted, &c.



lots shall be numbered and strung, and the result certified in the same manner, as near as may be, as elections for members of assembly now are; and the said poll-lists and ballots shall be preserved and filed in the county clerk's office; and if the election shall result in an approval of this act, the said judges of election and district clerk shall make, sign, and verify by oath or affirmation, before a competent officer, a certificate of such result, which shall be filed and recorded by the county clerk, in the book of religious corporations; and the record thereof, or a duly certified copy, shall be plenary evidence of such result; and the clerk of said district shall annex to such certificate, to be filed and recorded therewith, an affidavit of the posting of the notices of such meeting.

6. *And be it enacted*, That this act shall be deemed and taken as a public act, and take effect immediately.

Approved February 14, 1872.

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## CHAPTER XXXVI.

### An Act to create the Lafayette Masonic Hall Association.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Isaac Van Sana, Jeremiah B. Cleveland, James Stevens, E. M. Pritchard, Cornelius Vreeland, W. W. Edwards, John E. Halliday, Francis Clark, Andrew J. Martin, George R. Hillier, James R. Hillier, T. B. Chidester, John Cable, T. J. Mallory, Jacques Hill, Henry Klaproth, William Fitch, M. H. Gillett, John P. Culver and David Williams, their heirs and assigns, be and they are hereby created a body politic, in law and in fact, with all corporate powers, for the purpose of building and erecting a masonic hall in the county of Hudson, and state of New Jersey, to be known as the "Lafayette Masonic Hall;" and that <sup>the</sup> Name. the aforesaid incorporators shall be the original trustees, with power to raise funds for the purchase of lands for the erection of said hall and building, either by stock, subscription or otherwise not in contravention of the laws of this state; and

Capital stock	that the capital of said corporation, so as aforesaid, shall be thirty thousand dollars (\$30,000), to be raised and created as the trustees, by their by-laws, shall designate.
Meetings of trustees.	2. <i>And be it enacted</i> , That said trustees shall hold their meetings in the county of Hudson; and, as soon as said hall shall be erected, at said hall.
Number of trustees may be increased, &c.	3. <i>And be it enacted</i> , That they shall be empowered, by their by-laws, to increase the number of trustees by adding thereto, and decrease the same for any failure on their part to comply with the commands and directions of said by-laws.
Limitation.	4. <i>And be it enacted</i> , That said incorporation shall be for thirty years, and that this act shall take effect immediately.
	Approved February 14, 1872.

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## CHAPTER XXXVII.

An Act to incorporate the Grand Encampment of the Independent Order of Odd Fellows, of the State of New Jersey.

Corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Augustus S. Clark, John H. Vinson, Hiram H. De Grofft, Lewis Parker, jr., David Campbell, John B. Love, Israel Harris, Aaron B. Crane, Nelson Benedict, Amos Howell, Jeremiah Griswold, Frank R. Force, Dayton B. Whitaker, Theodore A. Ross, William Gopsill, Benjamin T. Bright, John W. Matlack, A. Frank Carll, William B. Robertson, John E. Cheesman, William P. Mulford, James W. Wroth and Benjamin P. Thompson, and their associates, officers and members of the Grand Encampment of the Independent Order of Odd Fellows, of the State of New Jersey, and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "The Grand Encampment of the Independent Order of Odd Fellows, of the State of New Jersey," and by that name they and their successors shall, and may at all times hereafter, be capable in law of having,
Name and powers.	

purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; and said corporation may sue and be sued, implead and be impleaded, in any court of law or equity; and may adopt a common seal, and alter the same at pleasure, and possess generally all the powers, and be subject to all the liabilities of corporations under the laws of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

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## CHAPTER XXXVIII.

### An Act to incorporate the Eureka Waste Cleansing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John D. Emack, C. S. Emack, Isaac S. Stover, Jacob Stover, Jordan H. Stover and Martin Wyckoff, and such other persons as may hereinafter become associated with them, or the survivors of them, their successors and assigns, shall be and they are hereby constituted a body politic and corporate in fact and in law, by the name of "The Eureka Waste Cleansing Company," for the purpose of cleansing all kinds of waste and fibrous substances, and of extracting and purifying the oils therein; and for the purchase and sale of the same; and by their said name they shall have perpetual succession, and shall be capable of suing and being sued, and of pleading and being impleaded, and of receiving and granting, in its corporate name, property, real, personal or mixed; and of holding lands, and making a good conveyance thereof; and for the purposes aforesaid, shall or may, raise by subscription, by opening books therefor, or otherwise, a capital stock of twenty thousand dollars, to be divided into shares of one hundred dollars each, with the

Corporators.  
Name and powers.  
Capital stock.

privilege of increasing the same from time to time to sixty thousand dollars, with the consent of a majority of the stockholders in interest; and it shall be lawful for said company to issue stock in whole, or in part payment, for any real or personal property purchased or leased by said company, for the purposes of said business.

May issue  
bonds.

2. *And be it enacted*, That said corporation may issue bonds for the loan of money for the use of said corporation, not to exceed, at any time, one half of their paid up capital; and may have and use a common seal, and may alter the same at pleasure; and may make such by-laws for their regulation and government, and alter the same, as they may deem proper; *provided*, the same are not inconsistent with the laws of the United States, or of this state.

Provided

Election of di-  
rectors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be controlled and managed by five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors to be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place, upon such notice as the by-laws of said corporation shall prescribe; and until such election shall be held, the corporators mentioned in this act shall choose from among their number, who may be stockholders, the names of five persons, by voting either in person or by proxy, who shall be the first directors of said association, and shall act until the annual election shall take place as aforesaid; a majority of the directors shall, at all times, and upon all occasions, when assembled, at such time and place as the by-laws shall direct, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Officers

4. *And be it enacted*, That the officers of said corporation shall consist of a president, to be elected, as in the third section of this act provided for; a treasurer, secretary and superintendent, to be elected as shall be provided for by the

by-laws of said corporation, and whose duties shall be therein defined.

5. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day assigned for that purpose, the said corporation shall not be deemed to be dissolved on that account; but the stockholders may proceed to hold an election on any other day; ten days previous notice of the time and place of such election being given. Failure to elect directors not to dissolve

6. *And be it enacted*, That the capital stock of said company shall be deemed personal property; and that each stockholder shall have as many votes as he or she shall have shares thereof, at any annual or special meeting of the stockholders, and may vote by proxy or in person. Capital stock personal property.

7. *And be it enacted*, That said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of said corporation; setting forth the amount of capital stock paid in, the amount of money due to and from said corporation, and from and to whom due, and the amount of all assets or property belonging to said corporation, as nearly as the same can be ascertained, verified by the oath of the treasurer. Statement to be made.

8. *And be it enacted*, That the said corporation may organize and commence the transaction of business under this act whenever five thousand dollars of the capital shall have been actually subscribed and paid in. When to commence business.

9. *And be it enacted*, That the principal office of the said corporation, and its manufactory, buildings and real estate shall be at, or near Frenchtown, in the county of Hunterdon; and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall be kept, and shall be evidence of the ownership of said stock in all elections, and other matters submitted to the decision of the stockholders of said corporation. Principal office.

10. *And be it enacted*, That the said corporation, hereby created, may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; provided, that at least two-thirds in value of the stockholders shall concur therein; and upon such dissolution, the directors, for the time being, and the survivors and survivor of them, or such persons as the stockholders shall appoint, if they choose to appoint, shall be trustees for the settling of all the How dissolved Proviso.

affairs of the company; collecting and disposing of all its property and assets, and applying the proceeds to the paying of its debts, and dividing its surplus among the stockholders, in proportion to their respective interest in the stock.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

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## CHAPTER XXXIX.

An Act to vest the title of real estate in the city of Trenton, in Rachel Smith and Sarah Ann Smith.

Preamble.

WHEREAS, Anthony Rumsey, formerly of the city of Trenton, departed this life anno domini eighteen hundred and sixteen, seized of a lot of land situate in said city of Trenton, which was conveyed to him by James Kirkpatrick and wife, by deed dated September twelfth, one thousand eight hundred and nine; and whereas, the said Rumsey died intestate, and without issue, leaving Tamer Rumsey, his widow, him surviving; and whereas, the said Tamer Rumsey, who has been in possession of said land and premises, since the death of the said Rumsey, has lately died intestate, leaving two children by a second marriage with one Cyrus Smith, to wit: Rachel Smith and Sarah Ann Smith, her surviving; and whereas, her said second husband, Cyrus Smith, has also departed this life intestate; and whereas, the said Anthony Rumsey has left no lawful heirs, by reason whereof the said lot of land and the appurtenances must escheat to the state; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all the estate, title, interest and right of the said Anthony Rumsey, deceased, at the time of his death, of, in and to the lands and premises above described, be vested in the said Rachel Smith and Sarah Ann Smith, as tenants in common, their heirs and assigns.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

## CHAPTER XL.

### An Act to incorporate the Oldham Quarry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Smith, Andrew Kaefer, Charles Hemingway, John Roberts and John Shaw, and their associates and successors, be and they are hereby created a body politic and corporate, by the name, style and title of "The Oldham Quarry Company," and by that name shall be capable of suing and being sued, impleading and being impleaded, in any court of record or elsewhere; and of granting, and of receiving in its corporate name, property, real, personal and mixed, and of holding, quarrying and working stone quarries, and selling, disposing of and delivering the stone obtained from the quarrying and working of such stone quarries on the lands of said corporation in the state of New Jersey and elsewhere; and leasing or disposing of rights and privileges to quarry and work such lands, and sell, dispose of and deliver the stone obtained from such lands, and do such other acts and things as may belong to the quarrying and working as aforesaid; and the sale, disposal of and delivering the stone as aforesaid.

Name and powers.

2. *And be it enacted*, That the said company shall have power to make such by-laws, as they may deem proper, to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure, and to adopt a common seal, and to alter the same; *provided*, that the said by-laws shall not be contrary to the constitution and laws of the United States and of the state of New Jersey.

May make by-laws.

Provided.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to one hundred thousand dollars, divided into

Capital stock.

shares of not less than fifty dollars each; and the business of the company shall be managed by five directors, to be elected annually by the stockholders, at such time and in such manner as the by-laws shall provide, but they shall hold office until their successors shall be elected; and the said Henry Smith, Andrew Kaefer, Charles Hemingway, John Roberts and John Shaw shall be the first directors, and shall hold their offices until the first annual election; and in case a vacancy shall occur in such board of directors, by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy by the appointment of any stockholder.

Vacancy, how filled.

Principal of Dec.

4. *And be it enacted*, That the said company may carry on its business and establish necessary offices, under the direction of its officers, in such places as they may deem expedient, but the principal office shall be located at the city of Paterson, in this state.

Limitation.

5. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years.

Approved February 14, 1872.

## CHAPTER XLI.

An Act to confirm the acknowledgment of a deed of conveyance for lands in Elizabeth, Union county, taken by Nathaniel E. Goodwin.

Preamble.

WHEREAS, it appears that Nathaniel E. Goodwin, at that time judge of probate in and for the county of Lowndes, in the state of Mississippi, on the twenty-fifth day of October, in the year eighteen hundred and fifty-two, took the acknowledgment of Leroy Pope, jr., to a deed of conveyance for certain lands in Elizabeth, Union county, which deed of conveyance was made by said Leroy Pope, Jr., to Abel S. Hetfield, bears date the third day of August, in the year eighteen hundred and fifty-two, and was recorded in the clerk's office of the said county of Union, in book sixty-four of deeds, on pages one hundred and ninety-eight and one



hundred and ninety-nine; and whereas, said Nathaniel E. Goodwin was not empowered by the laws of this state to take such acknowledgment; and whereas, the form of the certificate of such acknowledgment, as made by said Nathaniel E. Goodwin, is defective under the laws of this state; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said acknowledgment of said deed of conveyance be, and the same is hereby confirmed and declared to be valid and effectual, in like manner as though the said Nathaniel E. Goodwin, at the time of his taking and certifying the same, had been authorized by the laws of this state to take and certify the same; and that said record of said deed shall be as good and sufficient evidence of the title to the lands described therein, as though such acknowledgment had been taken and certified by a master in chancery of this state; and the certificate of such acknowledgment, made upon said deed by said Nathaniel E. Goodwin, was in all respects conformable to the laws of this state.

Acknowledgment confirmed and declared valid.

2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved February 14, 1872.

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## CHAPTER XLII.

**An Act relating to the real estate held by the Porter Methodist Episcopal Church, of West Hoboken, Hudson county.**

**WHEREAS**, an incorporation under the laws of New Jersey, to Preamble.  
wit: "The Hoboken Land and Improvement Company," did by deed, dated March twenty-third, eighteen hundred and seventy, convey to the trustees hereinafter named, a certain lot of land situate in the township of West Hoboken, in the county of Hudson, to be held by said trustees, their successors and assigns in trust, that said lot and premises should be used, kept, maintained and disposed of as a place of divine worship, for the use of the ministry and member-

ship of the Methodist Episcopal Church in the United States of America, subject to the discipline, usage and ministerial appointments of said church, as from time to time authorized and declared by the general conference of said church, and the annual conference within whose bounds said premises are situate; and whereas, the society holding said premises are duly incorporated under the laws of the state of New Jersey, by the style and name of "The Porter Methodist Episcopal Church, of West Hoboken;" and whereas, said society, in the erection of their house of worship, have contracted debts which remain unpaid, and to secure which the said society, having obtained consent of said "Hoboken Land and Improvement Company," desire to mortgage said premises; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Samuel H. De Wint, Daniel L. Beatty, James D. Ackerman, Hiram Dodd, George W. Dorr, Garret H. Westervelt and Richard H. Denman, trustees, be and they are hereby authorized and empowered to convey by deed, said premises, so transferred and conveyed to them, in trust as aforesaid, to the said "The Porter Methodist Episcopal Church, of West Hoboken," which deed, when duly executed, shall vest the title to said land and premises in the said "The Porter Methodist Episcopal Church, of West Hoboken," in fee simple.

May mortgage  
land, &c.

2. *And be it enacted*, That when said premises shall have been conveyed to the said "The Porter Methodist Episcopal Church, of West Hoboken," as aforesaid, the said corporation shall have the authority, and are hereby empowered to mortgage the said land and premises to secure the debts incurred in erecting their said church edifice, and in attaining and effecting the objects and purposes included in the said trust.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

## CHAPTER XLIII.

An Act to amend an act entitled "An Act to consolidate the Hope Hose Company of the city of Burlington, and the Fulton Engine Fire Company of the city of Burlington, supplementary to the charters of the said companies," approved March eighth, eighteen hundred and seventy, by changing the name and title thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name and title of the incorporation authorized and established by an act entitled "An Act to consolidate the Hope Hose Company of the city of Burlington and the Fulton Engine Fire Company of the city of Burlington, supplementary to the charters of the said companies," approved March eighth, eighteen hundred and seventy, shall be, and the same is hereby so changed; and the said incorporation, by said act established, and now known as "The Hope Fire Company, Number One, of the city of Burlington," shall be hereafter designated and known as "The Hope Steam Fire Engine Company, Number One, of the city of Burlington;" and as such, shall have, possess and enjoy all the rights, privileges and powers conferred by law on said corporation so established.

Name changed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

## CHAPTER XLIV.

An Act to revive an act entitled "An Act to incorporate the Friendly Institution of the city of Burlington," passed the tenth day of March, eighteen hundred and thirty-seven.

Preamble. WHEREAS, the above named act of incorporation having expired on the tenth day of March, eighteen hundred and sixty-seven, without the notice of its members; therefore,  
 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act of incorporation be hereby revived and continued, with all the privileges and restrictions contained therein, until the tenth day of March, nineteen hundred and twenty.  
 Approved February 14, 1872.

Act revived  
and continued

## CHAPTER XLV.

An Act to incorporate Howell Division, Number Ninety-seven, of the Sons of Temperance, of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Allen, Joseph Perine, Stephen S. Miles, Nathan Harper, James R. Perine, Joseph B. Martin, Charles D. Whitall, Benjamin Wright and Charles W. Bleecker, and their associates, officers and members of Howell Division, number ninety-seven, of the Sons of Temperance, of the State of New Jersey, located at Plainfield, in the county of Union, and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "Howell Division, Number Ninety-seven, of the Sons of Temperance,"

Corporators.

Name and  
powers.

of the State of New Jersey," and by that name they and their successors shall, and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same; and also to have a common seal, and use the same at pleasure; *provided always*, that the said corporation or body politic Proviso. shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of fifteen thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

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## CHAPTER XLVI.

An Act to enable the First Presbyterian Church, Rahway, to convey certain real estate.

WHEREAS, it hath been represented to the legislature that Preamble. the First Presbyterian Church, Rahway, hath been purchasing land for church and cemetery purposes, from time to time for many years, receiving deeds therefor made out to individuals by name, who were trustees of said church at the times of the execution and delivery of said deeds, and were so designated therein, and who, together with the grantors and said church, believed and intended said deeds to be so drawn as to vest the title to the lands therein mentioned, exclusively in said church; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present trustees of the said "First Presbyterian Church, Rahway," or their successors in office, be and they are hereby authorized and empowered to sell and convey all those lots of land lying in the city of Rahway, in the county of Union, and described in the deeds above mentioned, which deeds are all recorded in Trustees authorized to sell lots of land.

the books of deeds in the register's office, of Essex county, and are seven in number, whereof the first was given by Samuel Oliver and others, and recorded in Book ninety-three of Deeds, pages forty and forty-one; the second by David S. Craig and others, and is recorded in Book I, three of Deeds, pages four hundred and ninety-four, four hundred and ninety-five; the third by John Y. Van Tuyl, and is recorded in Book I, three of Deeds, pages four hundred and seventy-five, four hundred and ninety-six; the fourth by Henry Ludlow and wife, and is recorded in Book W, four of Deeds, pages four hundred and forty-six, four hundred and forty-seven; the fifth by Samuel Oliver and wife, and is recorded in Book H, six of Deeds, pages twenty four, twenty-five, twenty-six; the sixth by Randolph De Camp and wife, and is recorded in Book forty-eight of Deeds, pages four hundred and six, four hundred and seven, four hundred and eight; and the seventh by Moses T. Crane and wife, and is recorded in Book two hundred and thirteen of Deeds, pages four hundred and eighty one, four hundred and eighty-two, four hundred and eighty-three; and to execute and deliver to the purchaser or purchasers thereof, under their common seal, good and sufficient deeds therefor, which deed shall convey to, and vest in the said purchaser or purchasers a good and valid title in fee simple to said premises.

All deeds to  
convey title.

2. *And be it enacted*, That all deeds heretofore given by authority of the trustees of said church for the time being, purporting to convey any portions of the land above mentioned, shall vest in the purchasers thereof, as complete a title in fee as if the above mentioned deeds had been made to said church in its corporate name.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

## CHAPTER XLVII.

## An Act to incorporate the Trenton Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert S. Manning, Charles V. Mead, Willet Hicks, Charles W. Sloan, J. W. Elbersen, and their associates be, and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Trenton Manufacturing Company," for the purpose of manufacturing and selling wringers, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of five hundred dollars each, with the privilege of increasing the same to two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, providing such stock shall be paid up in cash, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation; and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may borrow money and issue bonds therefor, to an amount not exceeding at any one time, one-half of their paid up capital stock; and may sue and be sued in all courts of law or equity; and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and

until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders; to be held on such day, at such hour of the day, and at such place, as the by-laws of the said corporation shall direct, and until such annual election shall take place, Robert S. Manning, Charles V. Mead, Willet Hicks, Charles W. Sloan and J. W. Elbersson, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such place as the by-laws of the said corporation shall direct, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancies by the appointment of any stockholder.

Vacancy, how filled

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property, belonging to said corporation, as nearly as the same can be ascertained.

Principal office.

6. *And be it enacted*, That the principal office of said company shall be in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have free access at all reasonable times, for the purpose of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock, in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

7. *And be it enacted*, That the said corporation, hereby created, may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the direc-

Proviso.



tors, for the time being, and the survivors of them, or such person as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation, hereby created, shall possess the powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same may be applicable. <sup>General powers.</sup>

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

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## CHAPTER XLVIII.

A Supplement to the act entitled "An Act to incorporate the Gesang-Verein Eintract," approved March first, eighteen hundred and seventy.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act to which this is a supplement may, for the purpose of purchasing or leasing land and buildings, or of erecting, altering, repairing, fitting and furnishing any buildings or lands purchased or leased by them, or of making any improvements upon any premises in which they may have a fee simple or other interest; issue shares in amounts not less than twenty-five dollars each, redeemable in twenty years or sooner, and bearing interest not exceeding seven per centum per annum; and that said shares may be secured by mortgage or otherwise. <sup>May issue shares, and secure the same by mortgage.</sup>

2. *And be it enacted*, That this act, and the one to which it is a supplement, shall be deemed and taken to be public acts, and that this act shall take effect immediately.

Approved February 14, 1872.

## CHAPTER XLIX.

A Further Supplement to an act entitled "An Act to incorporate the Dundee Manufacturing Company," passed March fifteenth, eighteen hundred and thirty-two.

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|--------------------------------------|---|
| Name.                                | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That the said company shall hereafter be known as "The Dundee Water Power and Land Company."  |
| Notices for meetings declared valid. | 2. <i>And be it enacted</i> , That public notices calling meetings of stockholders for election of directors of said company shall be published in one newspaper only, printed in the county of Passaic, that all elections of directors heretofore held, when notice by advertisement was not given in newspapers printed at Newark, and in the city of New York, are declared valid, just as if notice by such advertisement had been so given and printed.   |
| May establish office.                | 3. <i>And be it enacted</i> , That it shall be lawful for said company to establish an office in the city of New York, if the same shall be to its advantage for the letting of its powers, or the disposal of its lands, or for any other purpose.   |
| May issue bonds, &c.                 | 4. <i>And be it enacted</i> , That said company shall have power to issue bonds, and secure the same by mortgage upon its property, or any part thereof, to the amount of six hundred thousand dollars, and sell the said bonds and make them valid at any rate upon which they may agree with the purchasers ;   |
| Proviso.                             | <i>provided</i> , that the rate of interest shall not exceed the rate of seven per centum per annum, and divide the proceeds thereof among its stockholders, or they may so divide the bonds themselves ; and that the company shall have power to issue to its stockholders, or to other parties, preferred stock to the amount of two hundred and fifty thousand dollars, or make its common stock preferred to that amount, and to dispose of the same or its proceeds, or to divide the same among its stockholders in such way as the company may see fit. |
| May sell lands.                      | 5. <i>And be it enacted</i> , That the company may from time to time sell and convey such portions of their lands and pro-  |

perty as they may see fit, and such lands and property as they may hereafter acquire by purchase in the counties of Bergen and Passaic, which they are hereby authorized to do, and may divide the proceeds of lands and property so sold among their stockholders, or may make such other disposition thereof as may seem to the best advantage of the company.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1872.

## CHAPTER L.

An Act to enable the Trustees of School District Number Three, in the county of Essex, to mortgage school property.

WHEREAS, the trustees of school district number three, in the county of Essex, were directed by the voters thereof at the last annual district meeting to make alterations and repairs to the school house, to the amount of fifteen hundred dollars, and also were authorized to borrow the amount, securing payment of it by bond and mortgage upon the school property of the district; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number three, in the county of Essex, are hereby authorized to execute a bond and mortgage in their corporate name for any sum not exceeding fifteen hundred dollars, the said mortgage to be given upon the property owned by the said district, and which shall be a valid lien upon said property.

Trustees authorized to execute bond and mortgage.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1872.

## CHAPTER LI.

An Act to authorize the township committees of the townships of Englewood, Ridgefield and Palisades, in the county of Bergen, to sell their real estate.

Election to  
sell township  
property.

Committee  
may sell  
farm, &c.

Proviso.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at town meetings in the townships of Englewood, Ridgefield, and Palisades, in the county of Bergen, may, at any regular town meeting, or one specially called by the town committee, vote upon the question whether the poor house farm and premises and the other real estate belonging to the late township of Hackensack, in said county, at the time of its division into said three townships, shall be sold or not; that the voting shall be ballot, the ballots in favor of selling to be marked "yes," and those opposed to it to be marked "no," and if at any such election a majority of the ballots cast in the said three townships taken together shall be in favor of selling, then the said township committees shall have the right and power to sell said farm and other real estate at public or private sale, and to convey the same by deed or deeds in the name of "The Inhabitants of the Townships of Englewood, Ridgefield and Palisades, in the county of Bergen," to any purchaser or purchasers, on such terms as they shall deem best; the signatures of a majority of each of the said township committees to said deed or deeds to be sufficient; *provided*, that at least thirty days' previous notice that the question of selling said farm and other real estate is to be voted upon at said meeting, shall be given by advertisements set up by the town clerks in five of the most public places in each of said townships, and by advertisements in the newspapers printed and published in the county of Bergen; *and provided*, that such question shall only be voted upon once in any year.

2. *And be it enacted*, That all parts of acts inconsistent with this act be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 15, 1872.

## CHAPTER LII.

An Act to incorporate St. Mary's Total Abstinence Society  
of Morristown.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John McGuier, Patrick Han-  
nan, James Timmins, Luke Kilkeney, James Pendergras, Corporators.  
and such other persons as are now, or hereafter shall become  
members of "The St. Mary's Total Abstinence Society, of  
Morristown," are hereby constituted a body incorporate, by  
the name aforesaid, to have perpetual succession, and to have  
a common seal.

2. *And be it enacted*, That the object of this corporation Object.  
shall be purely moral and charitable, being to provide for the  
temporal welfare of the members thereof, by affording relief  
in case of accident or sickness, assisting to bury deceased  
members, protecting the widow and orphan of deceased  
members, encouraging all persons to abstain from the use of  
intoxicating liquors, and for any other benevolent or chari-  
table purpose appertaining to said society.

3. *And be it enacted*, That said corporation shall have Officers.  
power to appoint such officers as to them shall appear neces-  
sary for conducting the business of the corporation, which  
officers so chosen and appointed, shall give bonds for the  
faithful performance of the duties of their office, respectively,  
if required, in such sum or sums, and with such securities as  
may be directed by the corporation.

4. *And be it enacted*, That the said corporation shall, from Powers.  
time to time, have power to make, ordain, and establish such  
by-laws and regulations as they shall judge proper for the  
election of their officers, for prescribing their respective duties,  
for regulating the times and places of their meetings, and  
for the transacting, managing, and directing the affairs of  
the corporation; *provided*, that such by-laws and regulations Proviso.  
shall not be repugnant to the constitution and laws of this  
state, or of the United States.

5. *And be it enacted*, That the corporation may hold real May hold real  
or personal estate, either purchased or devised, not to exceed estate.  
the amount of twenty thousand dollars.

General powers.

6. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1872.

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## CHAPTER LIII.

A Further Supplement to the act entitled "An Act to incorporate the People's Mutual Fire and Marine Insurance Company of Newark, New Jersey," approved March fifth, eighteen hundred and sixty-six.

Name changed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the title of the act entitled "An Act to incorporate the People's Mutual Fire and Marine Insurance Company of Newark, New Jersey," approved March fifth eighteen hundred and sixty-six, be and the same is hereby amended so as to read, "An Act to incorporate the People's Insurance Company of Newark, New Jersey."

Amendment.

2. *And be it enacted*, That the fourth section of said act be and the same is hereby amended by striking out the words "a plurality of," so as to read "and by the stockholders in person or by proxy."

Repealer.

3. *And be it enacted*, That so much of the act to which this is a further supplement, and so much of the supplement thereto, approved March twentieth, eighteen hundred and sixty-seven, as are inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1872.

## CHAPTER LIV.

## An Act to incorporate the Ironia Car and Transportation Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Daniel Budd, Edmund Canfield, George Richards, Frederick A. Demott, Jacob Vanatta, Dorastus L. Bryant and Alonzo Bryant, or the survivor or survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors or assigns, shall be, and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Ironia Car and Transportation Company," <sup>Name.</sup> to be located at such point or points in this state as said company shall deem most advantageous for carrying on the manufacture of engines and cars; and that the persons above named, and their successors, by the same name, shall be able and capable in law, to acquire, purchase, receive, have, hold and enjoy, any lands, real estate, tenements, hereditaments, and any goods and chattels of whatsoever kind and quality, necessary or expedient for the purposes of this act; and the said lands, real estate, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, mortgage and dispose of.

2. *And be it enacted*, That the capital stock of said com- <sup>Capital stock.</sup> pany shall be five hundred thousand dollars, with power to increase the same to one million of dollars, and shall be divided into shares of one hundred dollars each, and after fifty thousand dollars shall have been paid in, said company may purchase real estate, purchase or build manufactories and other property necessary for their business, and issue stock to the amount of the value thereof, in payment therefor; and the stock so issued shall be declared to be, and taken to be, full stock, and not liable to any further calls; and that it shall be lawful for said company to issue bonds to the amount of its capital stock, payable at such times as the said company shall designate; and to execute mortgages upon their property to secure the payment of the said bonds, with the interest.

Books of sub-  
scription.

3. *And be it enacted*, That the books of subscription to said stock shall be open at such place and for such time as the above named persons, or a majority of them may designate, under their direction or under the direction of such of them as a majority shall designate for that purpose.

Election of di-  
rectors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the first day of May in every year; and that the said directors shall be chosen on the third Monday of April of every year, at such hour and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner provided in the by-laws; and the five persons shall be the directors who shall receive the greatest number of votes; each share of stock entitling the holder thereof to one vote; and if it shall happen that any vacancies occur in any manner, such vacancy may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors, until the time when the persons elected at the next election for directors shall take their offices by virtue of said election.

Vacancy, how  
filled.

Principal of-  
fice.

5. *And be it enacted*, That the principal office of the said company shall be located at Ironia, New Jersey, but they may have an office in New York for the transfer of stock, and the transaction of such business as may be expedient or necessary; and that it shall be lawful for the said company to lease, rent or sell the cars manufactured by them, to any railroad company now in operation, or that may hereafter be operated, at such sums, or upon such terms as may be agreed upon; may use the same for transportation of freight and passengers over the road or roads of other companies, paying such rates of toll as may be agreed upon by and between such other companies and the company hereby created; and may charge such rates for freight and passengers as may be deemed expedient.

Stock, how  
transferable.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be provided by the by-laws of said company; and no dividend shall be made to and among the stockholders, except from and out of the profits of the said corporation.

7. *And be it enacted*, That in case it should happen at



any time that an election should not be held on the day on which, pursuant to this act it ought to be made, the said corporation shall not, for this cause, be dissolved; but it shall and may be lawful to hold such election on such other day as shall be directed by the said company, and until such directors are elected, the old directors shall hold over.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered and kept all the transactions of the said company, which books shall be open at all reasonable times to the inspection of the stockholders of the said company; and a correct and full statement of the affairs of said corporation shall be made to the stockholders at their meeting for the election of directors hereinbefore provided for.

9. *And be it enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept for that purpose by the directors.

10. *And be it enacted*, That the said corporation hereby created, may be dissolved by a general meeting of the stockholders of the same, especially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein: and upon such dissolution, the directors for the time being, and the survivors of them, or such persons as the stockholders shall appoint, shall be trustees for the settling of all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

11. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved February 15, 1872.

## CHAPTER LV.

A Supplement to the act entitled "An Act to incorporate the Rankin Mills," approved February twenty-third, eighteen hundred and sixty-three.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the above corporation is hereby changed from "The Rankin Mills" to "The Peters Manufacturing Company," and by that name shall be a corporation for the same manufacturing purposes, with all the powers and privileges, and subject to all the restrictions in said act contained, except as herein mentioned.

Annual meeting.

2. *And be it enacted*, That the annual meeting of the stockholders shall be held on the first Thursday of February in each year, instead of the first Thursday of January; and nothing in this act contained shall affect or impair the rights of the stockholders of said corporation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1872.

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 CHAPTER LVI.

An Act to incorporate the Continental Steam Boiler Insurance Company of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Poulson, Robert Wright, James Comack, Peregrine Sanford, jr., Martin Marquand, Charles W. Walker, Franklin B. Parse, and such others as may be associated with them, and their successors, shall be, and are hereby constituted a body corporate and

politic by the name of "The Continental Steam Boiler Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law and equity, and by that name may have, purchase and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever, necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company; and may also have a common seal, and alter and renew the same at will.

Name and  
powers.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars at any time during the continuance of this charter.

Capital stock.

3. *And be it enacted*, That when the said capital stock of fifty thousand dollars shall have been subscribed, and the sum of twenty-five thousand dollars paid in, that then the subscribers to said capital stock, upon five days previous notice, in a newspaper published in the city of Newark, given by the commissioners hereinafter named, shall proceed to the election of a board of directors, which said board of directors shall then proceed to the election of a president, treasurer and secretary, and the appointment of such other officers as may be necessary to manage the business of the company; and the offices of secretary and treasurer may be held by the same person, and shall be allowed such compensation respectively as may be deemed by the said board to be reasonable and just.

Election of di-  
rectors.

4. *And be it enacted*, That William Poulson, Robert Wright, James Comack, Peregrine Sandford, jr., Martin Marquand, Charles B. Walker and Franklin B. Parse, be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company; and that five days previous notice of the time and place of opening said books shall be given by said commissioners or a majority of them, and that said books of subscription may be kept open as long as it shall be deemed necessary or best by said commissioners, or a majority of them, to do so.

Commission-  
ers to open  
books and re-  
ceive sub-  
scriptions.

5. *And be it enacted*, That the capital stock may be increased at any time by the directors, to such amount as they may determine, not exceeding the amount provided for in the

Stock may be  
increased.

second section ; and they shall open books for subscription for said increased stock, after giving ten days previous notice thereof, and all persons who shall own the stock of said company shall have the privilege of subscribing for said increased stock for five days ; and after that time, if the same shall not have been subscribed for by said stockholders, it may be subscribed for by others, and the terms of said subscription shall be fixed and determined by the said directors, and notice thereof given as above directed.

Directors to  
manage af-  
fairs.

6. *And be it enacted*, That the stock and other property of said company shall be managed and controlled by a board of thirteen directors, five of whom shall be a quorum for the transaction of business, who may hold their office for one year, or until others are chosen ; and shall at all times during their continuance in office be stockholders in said company, and in their own right ; and the said directors shall hereafter be elected on the second Tuesday of January, in each and every year, at such hour of the day, and at such place in the city of Newark, as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper published in the said city of Newark, at least five days previous to such election ; and every such election shall be by ballot, and by a plurality of the stockholders, either in person or by proxy.

May insure  
steam boilers.

7. *And be it enacted*, That it shall and may be lawful for said company to insure steam boilers against explosion, and all damage caused thereby, upon such rates, and upon such conditions as shall be contained and stated in the policy of insurance issued thereby.

Policies and  
contracts  
binding on the  
company.

8. *And be it enacted*, That all policies and contracts formed thereon, which shall be made or entered into by the said company, may be made, either under or without the seal thereof, and shall be subscribed by the president, or by such other officer as may be designated for that purpose by the by-laws of said company, and when so attested by the secretary the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies and contracts ; and all such policies and contracts may be made, subscribed, attested and executed ; and the business of said company may be otherwise conducted and carried on without the presence of a board of directors, by committee, or otherwise, and the same shall be obligatory and binding upon said company.

9. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company. Stock, how transferred.

10. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such real estate as shall or may be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate as securities, mortgaged, pledged or secured, either at law or equity; and also to purchase on sales made under judgments at law, or done in equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted and due to the said company; and to hold the same until they can conveniently sell or convert the same into money or other personal property; and for the purpose of investing any part of their capital stock, funds or moneys, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this state, or of the United States, or of the states of New York, Pennsylvania, Ohio, Massachusetts or Connecticut; and also of the stocks and other securities created by said states or the United States, or in bonds secured by mortgage on any unincumbered real estate within this state, worth at least double the amount of money invested or loaned. May purchase and hold real estate.

11. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of said company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives. Dividends.

12. *And be it enacted*, That this act shall be and remain in force for thirty years, and shall take effect immediately. Limitation.

Approved February 15, 1872.

## CHAPTER LVII.

A Supplement to an act entitled "An Act to incorporate the Germania Mutual Fire Insurance Company of Newark, New Jersey," approved March seventeenth, eighteen hundred and seventy.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the aforesaid insurance company be so altered as to read, "The Germania Insurance Company of Newark, New Jersey;" but that no contract or obligation the Germania Mutual Fire Insurance Company may have entered into before the passage of this act, shall lose its effect or legal right on account of changing the corporate name of said company.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 15, 1872.

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## CHAPTER LVIII.

An Act to authorize the New Market Methodist Episcopal Church, New Jersey, to convey real estate and to change the name thereof.

Preamble.

WHEREAS, William L. Lawrence and Catharine, his wife, by deed dated May seventeenth, eighteen hundred and sixty-six, duly recorded in Book one hundred and two of Deeds, for Middlesex county, page five hundred and ninety-six, &c., did convey to "New Market Methodist Episcopal Church, New Jersey," a tract of land therein described, containing fifty-eight one-hundredths of an acre of land, in trust that said premises should be used, kept, maintained

and disposed of as a place of Divine worship, for the use of the ministry and membership of the Methodist Episcopal Church of the United States of America, subject to the discipline, usage and ministerial appointments of said church, as from time to time authorized and declared by the general conference of said churches, and the annual conference, in whose bounds the said premises are situate; which said fiduciary clause was embodied in said deed of conveyance, at the special instance and request of said church, and not at the request, instigation or suggestion of said grantors; and whereas, it is deemed advisable by said church to sell and dispose of said premises, and purchase a lot elsewhere, whereon to erect their house of worship; and whereas, at a regular church meeting of said church, held on the fourth day of November, anno domini eighteen hundred and seventy-one, the trustees thereof were, by a resolution of said church, unanimously authorized to make sale of said premises; but doubts arising as to the ability of said church to make a valid title to said premises, without a special act of the legislature for that purpose; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said "New Market Methodist Episcopal Church, New Jersey," be and hereby is authorized to sell and convey the said land and premises with the appurtenances, and to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser thereof; and that such deed shall be good and effectual in law, and shall convey to said purchaser all the right, title and interest of said "New Market Methodist Episcopal Church, New Jersey," in said premises, anything in said deed above recited, contained to the contrary notwithstanding.

Authorized to  
sell and con-  
vey lands, &c.

2. *And be it enacted*, That the name of the said "New Market Methodist Episcopal Church, New Jersey," be and the same is hereby changed to "The Dunellen Methodist Episcopal Church," by which name said church is hereby authorized to make the conveyance in the foregoing section mentioned and set forth.

Name chang-  
ed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1872.

## CHAPTER LIX.

An Act to authorize the appointment of commissioners to lay out streets, avenues and public squares in the township of Clinton, in the county of Essex, and for other purposes.

**Commissioners.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Sanford, Sanford B. Hunt, John N. Crawford, John Van Cleve and William Gruman be, and they are hereby appointed commissioners of streets and avenues in the township of Clinton for the term of one year, for the purpose of performing the several acts and duties hereinafter prescribed.

**Vacancies, how filled.**

2. *And be it enacted*, That in case of the death, resignation, or refusal to act of any or either of said commissioners, it shall and may be lawful for the remaining commissioners, or a majority of them, as often as such event or vacancy shall happen, to appoint a suitable person or persons to fill such vacancy or vacancies, and such appointees, respectively, shall have all the power and authority vested in a commissioner by this act, and at the expiration of the said term of one year fixed in and by the first section of this act, successors of said commissioners shall be appointed by the town committee of said township for the term of one year, and said town committee shall hereafter continue to appoint such commissioners yearly until their duties under this act are completed; and in case of the refusal or omission of said town committee, at any time, to appoint said successors, the commissioners then in office shall continue to hold their said office, and to act as such commissioners until their successors shall be duly appointed; anything hereinbefore contained to the contrary thereof in any wise notwithstanding.

**Power to lay out streets, avenues and squares.**

3. *And be it enacted*, That it shall and may be lawful for said commissioners, or a majority of them, and they shall have and possess exclusive power to lay out streets, avenues and public squares, within said township, of such width, extent and direction, and of such grades as to them shall seem most conducive to the public good; nothing in this act shall authorize any interference with any roads or avenues hereto-



fore laid out by the Essex road board, or by the surveyors of highways, nor shall said commissioners have power to lay out any public park, and the width of any of said streets or avenues shall not exceed one hundred feet.

4. *And be it enacted*, That it shall be lawful for the said commissioners and for all persons acting under their authority, to enter, in the daytime, into and upon any lands, tenements and hereditaments which they shall deem necessary to be surveyed, used or converted, for the laying out, opening or forming of any street, avenue, or public square as aforesaid. May enter on land.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall cause two similar maps of said streets, avenues and public squares so to be laid out by them as aforesaid, and of the grades thereof, to be made upon such a scale as they shall deem proper, accompanied by such field notes and explanatory remarks as the nature of the subject may require, which maps, or one of them, shall be deposited at some place in said township, or in the city of Newark, to be designated by said commissioners, or a majority of them, (of which deposit notice shall be given by advertisement in two daily newspapers published in said city of Newark), and shall remain so deposited for the period of (30) thirty days, during which they shall be open to the examination of all parties interested, and any person affected by such map or survey may, during said period, present to said commissioners objections in writing, to the same, or to any part thereof, and said commissioners, or a majority of them, shall thereupon examine and consider such objections, and may alter or modify their said maps and surveys in such manner as, in their judgment, or in that of a majority of them, shall be most conducive to the public good. Made to be made and be open for examination.

6. *And be it enacted*, That at any time after the said commissioners, or a majority of them, shall finally approve and adopt said maps, the same shall be attested by them, or a majority of them, before any notary public or commissioner of deeds, and shall be filed, one in the office of the clerk of the county of Essex, and the other with the town clerk of said township, and the said commissioners, or a majority of them, shall erect, or cause to be erected, proper monuments, at suitable places, upon such streets, avenues and public squares, so as to denote the position and courses of the same, and to be noted on said maps. Maps, when approved, to be filed.

7. *And be it enacted*, That it shall not be lawful for either

Commission-  
ers to take  
oath.

of said commissioners until said maps are filed, directly or indirectly, to purchase or contract to purchase any lands, tenements or hereditaments within the said township, and every deed, contract or conveyance contrary to the intent hereof shall be void, and before entering upon their duties the said commissioners shall severally take and subscribe an oath before a judge of the court of common pleas for the county of Essex, faithfully and impartially to execute the duties of their said office, and they shall each receive as compensation for their services the sum of two hundred and fifty dollars yearly.

Compensation

Tax how as-  
sessed and  
collected.

8. *And be it enacted*, That there shall be yearly, and every year during the continuance of said commission, raised in the said township from the real estate therein situate, by tax, such amount not exceeding five thousand dollars as the said commissioners, or a majority of them, shall deem necessary to defray the expense of carrying on the work of the commissioners contemplated by this act, until such work shall be completed, and it shall be the duty of said commissioners, or a majority of them, each year before the time required by law for the assessment of taxes, to make out in writing and deliver to the assessor of said township, a certificate stating the amount of money, not exceeding said sum of five thousand dollars, required to be raised by tax to defray said expenses, and it shall be the duty of said assessor thereupon to make an assessment upon said real estate of the amount so stated in said certificate, which assessment shall be made in the same manner in which other assessments of taxes are now or hereafter may be required to be made by law, and said assessment thus made shall have the same force and effect as any and all other assessments and taxes made according to law, and payment of the taxes then assessed may be enforced in the same manner in which all other taxes are enforced, and the amount so raised shall be paid over by the township collector, or other officer required by law to receive the same, to the said commissioners or to their chairman, president, secretary or treasurer, duly authorized by said commissioners, or a majority of them, to receive and receipt for the same, and said commissioners shall therewith pay the said expenses, and deposit any balance remaining in the Newark Savings Institution, in the city of Newark, to their credit or that of their chairman, president, secretary or treasurer, and said commissioners shall be jointly and sever-

Balance of  
money, where  
deposited.

ally responsible for said moneys and for the due and proper application thereof to the purposes of this act.

9. *And be it enacted*, That the plans and surveys of the said commissioners, or a majority of them, in respect to the laying out and location of streets, avenues and squares within said township, and their maps of the same when filed as aforesaid, shall be final and conclusive, not only as to the said township and the several villages and districts therein, but also as to the owners and occupants of lands, tenements and hereditaments therein, and as to all persons and corporations whatsoever; and no street, avenue or square within the said township shall at any time after the filing of said maps be laid out, opened, graded or worked, except in accordance with the plans and surveys of said commissioners, as shown by said maps made and filed as hereinbefore provided, excepting, however, such public roads as may have been already ordered to be opened by the Essex public road board, or by the surveyors of highways, and any person or persons erecting or placing any building upon any of said streets, avenues or public squares after the filing of said maps, shall not be entitled to compensation therefor in case such street, avenue or public square shall be afterwards opened and worked, but he may be permitted to remove the same therefrom, within such time as may be fixed by said commissioners, or a majority of them.

No street, &c., to be laid out except in accordance with plans and surveys.

10. *And be it enacted*, That the owner or owners of any lands through which the said commissioners shall so lay out any street, avenue or public square, may, at his or their own expense, at any time after the filing of said map, open and work the same in a proper manner within the limits of his or their respective lands, in accordance with the surveys, plans, width and courses laid down by said commissioners in their said maps; and in case of the opening and working of such street, avenue or public square, as hereinafter provided, such owner or owners shall be entitled to an equitable allowance, by way of deduction on any assessment for the opening and working of the same, such allowance to be determined by said commissioners, or a majority of them.

Owners may open and work streets, when laid out, at their own expense.

11. *And be it enacted*, That the owners of the majority of the lineal feet of the lands fronting on any street, avenue or public square so laid out as aforesaid may apply, by written consent or petition to said commissioners, to open and work the same, or any part thereof, and the owners of the majority

Owners may petition, &c.

Commissioners to make assessment.

Assessment to be a lien.

Cost and expense to be assessed.

Proceedings in case owner is dissatisfied.

Lands to be sold for non-payment of assessments.

of the lineal feet of the lands fronting on any block or subdivision of said street, avenue or public square, may, in like manner, apply to said commissioners to open and work such block or subdivision, and the said commissioners, or a majority of them, shall thereupon, within twenty days thereafter, proceed to make, according to the best of their skill and judgment, a fair, just and impartial assessment or award of the damage sustained by the owner or owners of any lands, tenements or hereditaments which may be required to be taken for that purpose, and to assess the said damages and the other expenses of such opening as equitably as may be upon the owner or owners of any lands upon the line of such street, avenue or public square, and such assessments shall be liens upon such lands until the same are paid; and upon payment or tender to such owner or owners of the amount or amounts so awarded him or them respectively, the said street, avenue or public square shall be deemed to be opened, and may be occupied, used and treated as a public street, avenue or public square.

12. *And be it enacted*, That the cost and expense of working, maintaining and regulating any of said streets, avenues or public squares (other than the damages to be awarded as provided in the last preceding section) shall be borne and paid by the owners of the lands fronting thereon, and the same shall be assessed and apportioned by said commissioners, or a majority of them, upon the lands of said owners, respectively, pro rata, in proportion to the respective values of such lands, as fixed by said commissioners, and every assessment so made shall be a lien on such lands until the same shall be paid.

13. *And be it enacted*, That any owner or owners dissatisfied with any award or assessment may appeal and may take and prosecute all the proceedings and shall be entitled to the relief provided in and by section twelve of the act entitled "An act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-one, one thousand eight hundred and sixty-nine.

14. *And be it enacted*, That the assessments hereinbefore provided for shall be collected, and the lands upon which the same may be liens shall be sold for the non-payment thereof, in the manner prescribed in and by the fifteenth section of

said last mentioned act, and that said lands may be redeemed in the manner and on the terms in and by said section prescribed, and the said commissioners, or a majority of them, shall, for the purposes of this act, have, in respect to said assessments, and the collection thereof, all the powers conferred by said fifteenth section of said act upon the Essex public road board therein mentioned.

15. *And be it enacted*, That this act shall be considered, <sup>Act, how construed.</sup> adjudged and taken to be a public act, and shall be liberally expounded and construed to advance the ends thereof, and shall take effect immediately.

Passed February 19, 1872.

## CHAPTER LX.

### An Act to incorporate the Bellevue Nursery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Absalom B. Woodruff, John Ryle, <sup>Corporators.</sup> James Crooks, Henry E. Chitty and Howard De Wolf Woodruff, and the survivor or survivors of them, and such persons as may hereafter be associated with them, or said survivors, their successors and assigns, shall be, and they are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "The Bellevue Nursery Company," <sup>Corporate name and powers.</sup> for the purpose of carrying on the business of propagating plants, trees, flowers, and all business incident or appertaining to the business of a nursery or seedsman, and that the persons above named, and their successors, by the same name shall be able and capable in law to acquire, purchase, receive, have, hold, enjoy and exchange any real and personal property, and the same, or any part thereof to sell, grant, demise, mortgage or otherwise dispose of.

2. *And be it enacted*, That the capital stock of said <sup>Capital stock.</sup> company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and after fifty thousand dollars of said capital stock shall have been subscribed and

paid in, or satisfactorily secured, such company may purchase any real or personal property, or both, they may deem necessary, and issue stock to the amount of the value thereof, in payment therefor, and the stock so issued shall be declared and taken to be full stock, and not liable to any future assessment as payment therefor.

Directors, officers, &c.

Election of directors.

Books of subscription.

Stock, how transferable.

Failure to elect directors not to dissolve

Books of account to be kept.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by a board of directors, composed of three the first year, with liberty thereafter to increase the same to five or seven, as said board may direct, who shall be stockholders, one of whom shall be the president, who shall hold their offices for one year from the time of their election, and until others are lawfully elected in their stead; said directors shall be elected on the first Monday in April in each year, at such place and hour as the directors may appoint by their by-laws, adopted at least six months previous to said election; and in case of any vacancy, the same may be filled by the remaining directors; and the incorporators named in the first section of this act shall be the first directors of said company and shall hold their offices till others are elected.

4. *And be it enacted*, That the subscription books for the stock of said company shall be opened at such place and for such length of time as said directors or a majority of them shall designate, and each share of stock shall be entitled to one vote in any election of directors.

5. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said company; and no dividend shall be made to and among the stockholders except from and out of the profits of the said corporation.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day on which, pursuant to this act, it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as shall be directed by the directors or a majority of them.

7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered and kept all the transactions of the said company, which books shall at all times during busi-

ness hours be open to the inspection of the stockholders of said company.

8. *And be it enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose. Transfers of stock to be registered.

9. *And be it enacted*, That this act shall go into effect immediately.

Approved February 20, 1872.

## CHAPTER LXI.

A Further Supplement to an act entitled "An Act to incorporate the Camden and Atlantic Land Company," approved March tenth, one thousand eight hundred and fifty-three, and to renew the charter of said company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the Camden and Atlantic Land Company, incorporated by an act entitled "An Act to incorporate the Camden and Atlantic Land Company," and all the powers thereby granted, or by any supplement thereto, shall be and the same hereby are extended and continued in force for and during the term of fifty years from the time by said act limited for its continuance, except so far as the said act and supplement are amended by this act. Powers extended.  
Limitation.

2. *And be it enacted*, That the meetings of the board of directors of said company may be held in the state of New Jersey, or at the office of the said company in the city of Philadelphia, in the state of Pennsylvania, as the directors may from time to time appoint; and all meetings of said directors, and the transaction of business thereby, heretofore held and done in the said city of Philadelphia are hereby sanctioned, confirmed and declared to be legal as if the same had been held or done in the state of New Jersey. Meetings.

3. *And be it enacted*, That this act shall take effect imme-

Legislature  
may repeal.

diately; but it shall be lawful for the legislature to alter, modify or repeal the same when the public good may so require.

Approved February 20, 1872.

## CHAPTER LXII.

An Act to incorporate the Glee Club "Liedertafel," of the town of Union, in the county of Hudson.

- Corporators.** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles Delker, Conrad Pieper, Conrad Thomas, Emil Lueders, and Christian Treche, John Gschwind, senior, Frederick Berenbroick, Conrad Schneider, Frederick Michel, Louis Linnewerth, Charles Rau, Jacob Schweitzer, Daniel Bermes, William Peter, August Frederick von der Lieth, Henry J. Rottmann, Theobald Betz, Gottlieb Zurn, Jacob Alt, Henry Zander, and such other persons as now are, and hereafter may be associated with them, shall be, and they and their successors are hereby constituted and created a body politic and corporate, in fact and in law, by the name aforesaid; and by that name, shall have perpetual succession, and shall have and enjoy all the rights, powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the various supplements thereto.
- Powers.** 2. *And be it enacted*, That the object of said corporation is hereby declared to be the encouragement of musical, mental, physical and corporeal education.
- Objects.** 3. *And be it enacted*, That the said corporation shall have power to prescribe rules and by-laws for the admission and expulsion of its members, as also for the election, time of service, duties and remuneration or salaries of its officers and employees.
- May make by-laws, &c.** 4. *And be it enacted*, That the said corporation shall be capable of having, holding, purchasing and possessing any
- May purchase, hold and convey lands.**



lands, tenements, hereditaments and personal estate, purchased, devised, or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; and also of conveying, selling and mortgaging their said property, real and personal and mixed, as shall be necessary, suitable and expedient for the object of said corporation; *provided* <sup>Provido.</sup> *always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal, or mixed, so purchased, exceeding in value the sum of fifty thousand dollars.

5. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation, shall be vested in seven trustees, who shall constitute and compose the board of directors, to be elected annually, and at such time and in such manner as the said corporation shall, by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state, or of the United States; such trustees so constituting the board of directors shall, from their own numbers, then elect a president, a vice-president, a treasurer and secretary, and such other additional officers as the said corporation may from time to time decide. <sup>Trustees to manage affairs</sup>

6. *And be it enacted*, That the said association or corporation shall have a common seal, with power, at their pleasure, to change, alter and renew the same. <sup>Common seal.</sup>

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1872.

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## CHAPTER LXIII.

An Act to incorporate the Pavonia Club, of Jersey City.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That David A. Peloubet, Adolph Kirsten, Hervey M. Soule, John C. De La Vergne and John F. Jenne, and the other members of the Pavonia Club, be <sup>Corporators.</sup>

- and they are hereby declared a body politic and corporate, in fact and in law, by the name and style of "The Pavonia Club," for the purpose of social intercourse among its members, and providing them the conveniences of a club house.
- Name.**
- May make rules.** 2. *And be it enacted,* That the said corporation may make such rules and regulations in reference to the admission, conduct and expulsion of members of said club and its management as it may deem expedient; that all the rights and interest of a member in the property and privileges of the club shall cease with the termination of his membership.
- May purchase, hold and possess lands.** 3. *And be it enacted,* That the said corporation, by its corporate title of "The Pavonia Club," may purchase, hold, possess and enjoy such real and personal estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure.
- Affairs, how managed.** 4. *And be it enacted,* That the affairs and business of said club shall be managed by such officers, and in such way and manner, and subject to such regulations as shall from time to time be agreed upon by said corporation.
- Property taxable.** 5. *And be it enacted,* That all the real and personal property of said club shall be taxed the same as the real and personal property of an individual, and not otherwise.
6. *And be it enacted,* That this act shall take effect immediately.

Approved February 20, 1872.

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## CHAPTER LXIV.

A Supplement to an entitled "An Act to incorporate the Dolphin Manufacturing Company," passed February twenty-sixth, eighteen hundred and fifty-one.

- May increase capital stock.** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the Dolphin Manufacturing Company may from time to time increase their capital stock

to any sum not exceeding two hundred thousand dollars, in addition to their present authorized capital.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1872.

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## CHAPTER LXV.

### An Act to incorporate the Penns Neck and Swedesboro' Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Cooper, William Justice, Henry Barber, William Summerill, Robert Walker, William H. Pedrick, Benjamin S. Green, Edward A. Vanneman, Edward Shoemaker, Joseph G. French, John C. Peterson, John Summerill, junior, John Ashcraft, George Lippincott, Charles L. Vanneman, Dr. M. Johnson, Charles Elkington, Dr. J. B. Ware, Elijah B. Horner, Charles S. Plummer, William Summerill, junior, Josiah M. Brick, Thomas Black, Aaron Hurff, Joseph Diver, Joshua S. Thompson, S. R. Leap, and such other persons as may be hereafter associated with them, shall be and are hereby constituted, ordained and declared to be a body politic and corporate, in fact and in law, by the name of "The Penns Neck and Swedesboro' Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this corporation. Corporators. Name.

2. *And be it enacted*, That the amount of capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to two hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Capital stock.

3. *And be it enacted*, That the above named persons, or a

Commission-  
ers to receive  
subscriptions.

Directors.

Vacancy, how  
filled.

Failure to  
elect directors  
not to dissolve

majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same, in a newspaper published in the counties of Salem and Gloucester; and that at the time of subscribing five per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as forty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, chose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who shall have such power and functions as the by-laws of the said corporation shall provide.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner provided by law in such cases; and the directors for

the time being shall continue to hold their office until others have been chosen in their places.

5. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such installments, and at such times, as they may direct; and in case of the non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulating of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish such salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested, with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point on or near the river Delaware, between Dolbow's Landing and Finn's Point, in Salem county, to connect with the Swedesboro' railroad, at or near Swedesboro', in the county of Gloucester, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works, necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*,

May call in amount subscribed under penalty of forfeiture.

Authorized to construct railroad.

May enter on lands.

Proviso.

that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made, before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purposes of surveying and laying out the said road, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings  
in case com-  
pany or own-  
ers cannot  
agree.,

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by the legal incapacity of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice in writing thereof to the person interested, if known and in this state, or if unknown and out of the state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damage, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the company, for such land

and materials and damages aforesaid, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials in the clerk's office of the county in which the land or materials are situated, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of the said valuation with interest and cost, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such cost, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as they or he shall think equitable and just, which shall be paid by the company; *provided always*, that should Provide. the said company or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the same issue to be tried at the next term of said court to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the

Proceedings  
in case of ap-  
peal.

said land or materials, and the damage sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with cost, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said cost to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of the company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages, over or under the said railroad, where any public road shall intersect or cross the same, so that the passage of carriages, horses and cattle along the said road shall not be obstructed; and likewise, when the said railroad shall intersect any farm or lands of any individuals, to pro-



vide and keep in repair suitable and convenient wagon ways over or under said road.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termination of their railroad, and at any intermediate depot upon the line of the same, at each place so much as may be strictly necessary for switching off at any village or town on the line of said railroad, as the president and directors, or a majority of them, may think proper for their convenience and use, and may erect and build thereon houses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary appendages; and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyments of all the benefits conferred by this act; *provided*, the said company whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges with suitable and sufficient draws so as not to obstruct the navigation thereof. May have and hold lands

11. *And be it enacted*, That president and directors of the said company shall declare and make such dividends as they deem prudent and proper, from time to time, out of the net profits of the said railroad. Dividends.

12. *And be it enacted*, That the president and directors of the company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or other vehicles, for the transportation of persons or any species of property on the railroad, as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of four cents per mile for carrying each passenger on the said railroad, or at the rate of six cents per ton per mile for the transportation of every species of merchandise, produce, property and freight, excepting freight of less weight than one ton. May purchase equipments.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any May make contracts.

kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfillments of such contracts.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct, the use of said railroad, enjoined under the provisions of this act, or of any of its necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Statement to be made.

15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished, so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road.

May borrow money and issue bonds.

16. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of, or belonging to, said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

West Jersey Railroad Company may endorse bonds.

17. *And be it enacted*, That the West Jersey Railroad Company be, and they are hereby authorized to endorse the bonds of the Penns Neck and Swedesboro' Railroad Company, and to subscribe for and take any amount they may choose of the capital stock to be issued by said company, and be entitled to all the powers and privileges of stockholders of said company.

Limitation.

18. *And be it enacted*, That if the said railroad shall not be commenced within five years, and be completed at the ex-

piration of ten years from the passage of this act, that then and in that case this act shall be void.

19. *And be it enacted*, That the governor, the chancellor, <sup>Free passen.</sup> the justices of the supreme court, and the judges of the court of errors, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the term for which they are elected or appointed, also the superintendent of public schools, shall pass and repass on the railroad of said company, in their cars, free of charge.

20. *And be it enacted*, That as soon as the said railroad, <sup>State tax to be paid.</sup> or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages, expenses of said road, and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property mortgaged in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or <sup>ass-</sup> <sup>Proviso.</sup> <sup>essed upon said company.</sup>

21. *And be it enacted*, That the said corporation shall <sup>Power to erect wharves and docks.</sup> have power to erect and maintain all such wharves, piers, and bulkheads, and docks at the commencement of said railroad in Penns Neck at any point between Dolbow's Landing and Finn's Point, in the county of Salem, on the river Delaware, if deemed necessary; *provided*, that nothing in this

act shall affect the rights of the state to lands lying under water.

Act, how construed.

22. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized in all courts and places whatsoever, and shall take effect immediately after the passage thereof.

Approved February 20, 1872.

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## CHAPTER LXVI.

A Supplement to an act entitled "An Act to incorporate the Mount Holly, Lumberton and Medford Railroad Company," passed April second, eighteen hundred and sixty-six.

May extend and connect with other roads.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Mount Holly, Lumberton and Medford Railroad Company to extend its railroad from its terminus, in Medford, county of Burlington, to Atsion, in said county, there to connect with any railroad now built, or that may hereafter be built, running through, or near said village of Atsion.

Act and supplements extended.

2. *And be it enacted*, That all the provisions of the act to which this is a supplement, together with provisions of the supplement approved March thirtieth, eighteen hundred and sixty-nine, be extended to this supplement.

Limitation.

3. *And be it enacted*, That if the said extension shall not be commenced within six years, and not finished within ten years from Medford to or near Atsion, from the first day of May next ensuing, then in that case, this act shall be void.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1872.

## CHAPTER LXVII.

## An Act to incorporate the Free Press Printing Association.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John Engel, John Peter Ritter, Mayer Sontheimer, Reinhard Gerke, Frank Stein, Frederick Schroder, John B Lutz, Theodore Terlinde and John N. Burger, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate by the name of "The Free Press Printing Association," for the purpose of printing and publishing a newspaper in the city of Elizabeth, and doing such other printing and publishing business as they may deem expedient, with authority to purchase and hold such real estate as they may deem necessary for the purposes of the company, and to mortgage, sell or otherwise dispose of the same. Corporators.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, divided into shares of twenty-five dollars each, with liberty to increase the same to any sum not exceeding fifty thousand dollars, which shares shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors by their by-laws or otherwise may direct, each stockholder to have one vote, either in person or by proxy; said stock to be subscribed, called for and paid in at such times, in such instalments, and upon such notice as the directors may appoint. Capital stock.

3. *And be it enacted*, That the property and affairs of the said company shall be managed by a board of directors, not less than three nor more than nine, all of whom shall be shareholders in said company, and who shall reside in the city of Elizabeth, and who shall be chosen at such time and place in the city of Elizabeth, and upon such notice as the directors by the by-laws of the company may direct; and that John Engel, John Peter Ritter, Mayer Sontheimer, Reinhard Gerke, Frank Stein, Frederick Schroder, John B. Lutz, Theodore Terlinde and John N. Burger, shall be the first directors of said company, who shall, as soon as conve- Affairs to be managed by directors.  
First directors

nient, after the passage of this act, assemble and organize said company, and shall continue in office until others are elected in their stead.

Powers of directors.

4. *And be it enacted*, That as soon as ten thousand dollars of the said capital stock shall have been subscribed and five thousand dollars paid in, the said company shall be authorized to proceed to carry out the objects of this corporation; that the shareholders shall choose out of the board of directors a president, and the directors shall have power to appoint such officers, agents, clerks and other servants as they may deem expedient, and to fix their compensation; they shall have power to adopt such rules and regulations as they may deem necessary and convenient for the management of said company; to fill vacancies in their own board, until the next annual election, and until others are chosen in their stead; to declare stock forfeited for non-payment of any installment or installments, and to sell and issue stock in lieu thereof for the benefit of said company.

Vacancies.

First election.

5. *And be it enacted*, That the first annual election shall be held on the first Wednesday of June next, at such place as the directors may appoint, and at such hour as shall be fixed by the by-laws; and that if it so happen that an election of directors shall not take place on that day, or on any subsequent day appointed for that purpose, the said corporation shall not be dissolved, but an election shall be held subsequently in any such case, at such time and place as the directors may appoint.

Failure to elect not to dissolve.

Annual report

6. *And be it enacted*, That the directors of said company shall make an annual report to the stockholders at their annual meeting, of the condition and affairs of the said company, and no dividends shall be declared except from the actual and net profits of the company.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1872.

## CHAPTER LXVIII.

A Supplement to an act entitled "An Act to incorporate the New Egypt and Farmingdale Railroad Company," approved March seventeenth, eighteen hundred and sixty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the New Egypt and Farmingdale Railroad Company shall have power to survey, lay out, construct, equip, maintain, operate and extend their railroad from Farmingdale, running from thence by the way of Ocean Grove, to a point at or near Long Branch, and that the said rights, powers, privileges and franchises granted in the act to which this is a supplement, in respect to the locating, laying out, constructing, maintaining and operating their road, be, and they are hereby conferred, in the locating, constructing, running and operating said extension hereby authorized; and that all land necessary for the said extension hereby authorized, may be taken in the same manner and under the same mode of compensation provided for in the act to which this is a supplement. May lay out, equip and extend road.

2. *And be it enacted*, That whenever there shall be one thousand shares of said stock subscribed, the said commissioners shall give like notice as above for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state. Notice of meeting.

3. *And be it enacted*, That the time mentioned for the completion and putting in use of said railroad, in the twenty-first section of the act, shall be extended for six years, thereby making such time nine years from the first day of May, eighteen hundred and sixty-nine. Limitation.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provision of this act, be and the same are hereby repealed. Repealer.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1872.

## CHAPTER LXIX.

An Act to incorporate the West Jersey Agricultural and Horticultural Association, of the counties of Salem and Gloucester, New Jersey.

Corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Isaac V. Dickinson, J. Morgan Barnes, Isaac Scull, James D. Lawson, Joseph K. Riley, Joshua Reeves, junior, Charles D. Lippincott, Robert Vanmeter and James L. Summerill, of the state of New Jersey, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name
Name,	of "The West Jersey Agricultural and Horticultural Association, of the counties of Salem and Gloucester, New Jersey."
Powers,	2. <i>And be it enacted</i> , That the said association shall from time to time, have power to make, alter, ordain and establish such constitution, by-laws and regulations as they shall judge proper for the designation of the officers of said association, the election of the same, for prescribing their respective functions, and the mode of discharging the same, and for the transacting, managing and directing the affairs of the association; <i>provided</i> , such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States.
Proviso.	
Capital stock.	3. <i>And be it enacted</i> , That said association shall, and they are hereby authorized to issue two thousand shares of stock, to be called the capital stock of said association, of the par value of five dollars each, with the privilege of increasing the number of shares as the association may hereafter deem advisable.
May purchase and hold real estate.	4. <i>And be it enacted</i> , That the said association may purchase, use, hold, possess and enjoy such real estate as shall be necessary to promote the objects of the association; and whenever it shall see fit, the association may sell, mortgage, lease and otherwise dispose of the same at pleasure.
Stock, how transferable.	5. <i>And be it enacted</i> , That the said stock shall be deemed and taken as personal property, and transferable on the books



of the said association, and whenever the receipts shall exceed the expenses, the officers of the association shall have power to declare a dividend upon the capital stock, if deemed advisable to be paid to the stockholders.

6. *And be it enacted*, That all land or other property which <sup>Property exempt from taxation.</sup> may hereafter be owned by said association, and used for the purpose of promoting the objects of said association, shall not be liable to have any taxes or tax assessed and levied upon it, for any purpose whatsoever; *provided*, that such real <sup>Proviso.</sup> and personal estate shall not exceed in value the sum of twenty thousand dollars.

7. *And be it enacted*, That from and after the passage of <sup>Liquors not to be sold.</sup> this act it shall not be lawful for any person or persons to erect, place, or have any booth, stall, tent, carriage, boat, building of any description, or other place for the purpose or use of selling, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed or strong kind, or for the purpose of holding, having, or making any show, exhibition, concert, or any other show or amusement of any kind whatsoever, for gain or pleasure, within half a mile of the boundaries of the grounds of said association during the time of any exhibition of said association; *provided*, that nothing in <sup>Proviso.</sup> this act contained shall be taken or construed so as to effect any licensed tavern keepers in his or her ordinary and lawful business, at his or her usual place of residence specified in his or her license; nor shall it be so construed as to effect any merchant, shop keeper, farmer, mechanic, or other person in the usual and lawful transaction of his, her, or their ordinary concerns and business, in their usual places of doing such business, nor any person or persons having the written consent of said association.

8. *And be it enacted*, That if any person or persons shall <sup>Penalty for violation.</sup> or do violate the preceding section of this act, he, she or they shall be liable to the same penalties or forfeitures which shall be enforced in the same manner as is prescribed against offenders under an act of this state, entitled "An Act to prevent the disturbance of meetings held for the purpose of religious worship," passed February second, eighteen hundred and twenty.

9. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved February 20, 1872.

## CHAPTER LXX.

An Act to confirm the acknowledgments and proofs of deeds and other instruments of writing taken by Richard H. Wilson.

Preamble.

WHEREAS, it appears that Richard H. Wilson was duly appointed on the twenty-fifth day of March, in the year one thousand eight hundred and sixty-nine, one of the commissioners to take acknowledgments and proofs of deeds for the township of West Amwell, in the county of Hunterdon, and was commissioned and sworn into office as such commissioner; and whereas, it appears that there were already three duly appointed and qualified commissioners for the taking acknowledgments and proofs of deeds, living and serving in said township of West Amwell, at the time the said Richard H. Wilson was appointed and sworn into office as such commissioner; wherefore, said Richard H. Wilson's appointment was a nullity, and by reason of acknowledgments and proofs taken by him, innocent persons may be subject to great loss; therefore,

Acknowledgment declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments of writing, taken and certified by the said Richard H. Wilson, as commissioner, from the time of his entering upon the duties of said appointment to the present time, be, and the same are hereby confirmed and declared valid and effectual, in like manner as if the said Richard H. Wilson had been lawfully authorized to take the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1872.

## CHAPTER LXXI.

## An Act to incorporate the United Schutzen Association.

WHEREAS, members of the New York Schutzen Corps and <sup>Preamble.</sup> the Jersey Schutzen Corps are desirous of uniting for the purpose of promoting skill in the proper and lawful use of firearms, and acquiring property for a shooting park, with suitable accommodations thereon for target shooting and other exercises, in such use of arms, and holding festivals thereon, and also for promoting social intercourse among the members of said association; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Hermann D. Busch, John F. <sup>Corporators.</sup> Rottman, Hermann Raschen, John F. Gerdes, John Horstman, Frederick Meyer, W. F. Schumann, Gerd Luerssen, Henry Lembeck, George F. Luerssen, Henry Offermann, Cord Mahnken, Ernst Hermann, John Lindermann, John H. Adelung, Henry Lamcken, Hermann Luhrs, Luer Immen, August Bente, Henry Brummerhop, August Sturmman, Hermann H. Hinslage, Charles Rahe, Bernhard H. Tienken, William Hardekopf, John Huchting, Andrew Icken, Frederick Harenburg, Charles Reinecke, Nicholas Crusius, William Muller, John Gehrs, Henry M. Bischoff, Henry Hulseberg, H. H. Strothmann, Henry Bischoff, William Tess, Theodore Ploeger, Nicholas Heinson, C. O. Tietjen, F. W. Miller, George A. Kundahl, John Gleistein, Philip Klein, Andrew Wittchen, A. W. Lemcke, John C. Duhrkoop, Henry D. Rottman, August Ingwersen, Henry Rubien, E. Jensen, John F. Gock, George Luhrmann, John H. Deetjen, Adam Gaertner, Hermann Meyer, Anton Koopmann, Diedrich F. Deike, Ernst Loether, John H. Muller, Charles Pirvano, John H. Doerrbecker, Henry Harms, William Harms, William Woerz, Henry Hardekopf, Henry W. Harms, Frederick Schumann, B. Meissner, John Klinker, August Vorrath, Henry L. Meyer, Ernst Wildhagen, Henry Von Deilen, Nicholas Crusius, Henry Deltmer, H. D. Gerds, Frederick Ihlenberg, Charles Mencke, John B. Clausen, A. J. Dittmar, John H. Dammeyer, F. Sellnow, William Hardkopf, George

Name and powers.	<p>Werhan, Aaron Browning, William Walbaum, John C. F. Deecken, Henry Knoop, Henry Von Bargaen, Frederick Hansen, Hermann H. Landwehr, John Hillmann, John Ficken, Henry Lohmann, Charles Boesse, John H. Luhrmann, Frederick W. Meyer, Frederick Agatz, Francis Droop, L. Wittpenn, M. H. Schroeder, S. Gohde, Gustavus Lange, Henry Kopf, Henry Seyfried, John F. Steinhoff, Henry Ranken, E. H. Werhan, John H. Stadtlander, Edward Brehm, J. H. Wellbrock, John Prusser, Henry Wellbrock, Henry Steil, Frederick Knebel, John Koster, Carsten Schomaker, Henry C. Hintze, John Cordes, John Knoop, Charles N. Boschen, F. N. Kellers, Gevert Menken, H. W. Brummer, George F. Keller, John H. Tangemann, Michael Hang, Henry Lachmund, Henry Bosch, Gerhard Dohle, Louis Scheither, Cord Otten, Hermann Segelken, Albert Burfeind, and such other persons as shall hereafter be associated with them, be and they are hereby declared a body politic and corporate, in fact and in law, by the name and style of "The United Schutzen Association," for the purposes set forth in the preamble of this act; and they and their successors, by the same name, may purchase, hold, possess and enjoy such real and personal estate in the county of Hudson, and state of New Jersey, as the board of directors shall deem needful for the purposes of said association, and may sell, mortgage, lease or otherwise dispose of the same, or any part thereof, at pleasure; <i>provided</i>, such real estate held by them at one time shall not exceed fifty acres in extent, and whenever they deem it proper so to do they may execute a bond in their corporate name, and secure the payment thereof by a mortgage for any portion of the purchase money, on any real estate purchased by them; and the bond and mortgage shall be payable at such times, and in such manner, with legal interest, and containing such clauses, covenants and conditions as the board of directors may deem just and proper.</p>
May hold real and personal estate.	
Proviso.	
Amount of capital stock.	<p>2. <i>And be it enacted</i>, That the capital stock of said association shall be one hundred and fifty thousand dollars, with the privilege of increasing the same, by resolutions of the board of directors, from time to time, to an amount that shall not exceed the value of any real or personal property held by said association, and the capital stock shall be divided into shares of three hundred dollars each, and be transferable in the manner and upon such conditions as may be prescribed by the by-laws of said association.</p>

3. *And be it enacted*, That no stockholder not a member of the New York Schutzen Corps or Jersey Schutzen Corps, shall be entitled to vote in said association at any election for officers or directors, or for any matter whatever, unless he shall have been elected to membership in said association by a vote of three-fourths of all the directors thereof; that all shareholders members of either of said corps, and all other stockholders elected members as aforesaid, shall be subject to such restrictions and conditions as the by-laws of this association shall prescribe, and each member shall be entitled to one vote for each share of stock held by him; *provided, however*, no member shall be entitled to more than five votes, no matter how many shares of stock he may hold, and any member who may be expelled or suspended from membership in said association, under the constitution or by-laws thereof, shall not be entitled to a vote at any election or meeting of said association, until he shall have been restored to membership or his suspension shall have been removed; at any meeting of the members of said association, fifty members shall constitute a quorum to transact business, and no director shall be declared elected unless he receives at least two-third of the votes given at any election held for directors under this act; no member shall have any right to vote by proxy, and must appear in person at every election or meeting, if he desires to vote.

Elections for  
officers and  
directors.

Proviso.

4. *And be it enacted*, That the affairs and business of said association shall be managed by a board of twenty-six directors, one half of whom shall be members of the New York Schutzen Corps, and the other half of the Jersey Schutzen Corps, who shall be elected annually by the members of said association at such time and place, and upon such notice as the by-laws shall prescribe, who shall hold their offices for one year, and until others are elected in their stead, and nine of whom shall constitute a quorum to transact business; *provided, however*, that at every meeting of said board each of said corps must be represented by at least four members thereof present thereat; all vacancies in the board of directors may be filled by said board until the next election for directors is held by said association; the captains of the New York Schutzen Corps and the Jersey Schutzen Corps, and such other persons as they may designate, shall be commissioners to obtain and receive subscriptions to the capital stock of said association from the members of their respec-

Directors.

Proviso.

tive corps, and they may call a meeting of the shareholders at any time and place in the county of Hudson, upon such notice as they may deem reasonable, for the election of the first board directors, and the said election may be held in the night time or day time; and at such first election the stockholders who are members of the New York Schutzen Corps shall, by a separate vote, choose thirteen directors, and the stockholders who are members of the Jersey Schutzen Corps shall, by a separate vote, choose thirteen directors, and the twenty-six thus chosen shall be the directors of said association for the first year, and until others are chosen in their stead.

Directors to  
make by-laws.

5. *And be it enacted*, That the board of directors, at any meeting, shall have power to make and enact such constitution, by-laws, rules, and regulations for the transacting, managing, and conducting the affairs of said association, and for calling in installments on shares of stock and forfeiting shares for non-payment thereof, and for the maintaining and preserving good order and conduct over and among the visitors on the premises of said association, as they may deem necessary; *provided*, that the same shall not be contrary to the laws and constitution of the United States or of this state, and from time to time may alter, modify, and repeal the same; and by said by-laws, rules, and regulations said association may determine the amount of the regular monthly payments to be required of each member of said association, for the maintenance and support thereof, and may thereby also determine the mode of suspension or expulsion of members, for violation of or disobedience to the said constitution, by-laws, rules or regulations, or any of them; the constitution and by-laws, after adoption by the directors, shall be ratified by a vote of the association.

Proviso.

Funds to be  
used for im-  
provements.

6. *And be it enacted*, That no share of stock shall be entitled to any dividend for profits, but the board of directors may use the funds of the association, from time to time, for the purchase of real and personal property, or for the adornment and improvement of property owned by them, to such an extent as they may deem proper, and if any surplus remain, they may, in their discretion, if they see fit, divide the same among the shareholders, pro rata.

Cancellation  
of stock.

7. *And be it enacted*, That said association may at any time cancel any share of stock on payment, or tender of payment to the holder thereof, of the par value of the same; and any

person, not a member, who holds a share or shares of stock, may require said association to pay him the par value thereof on his surrendering such share or shares to the association to be cancelled, and such shareholder shall not be entitled to any other right or privilege whatsoever.

8. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum in the premises of said association, and among the spectators thereat, it shall be lawful for the board of directors to appoint, from time to time, one or more persons, who shall have power and authority to arrest, without warrant, all persons who shall be found upon the land and premises of said association violating any of the laws of this state, or who shall there, or in the immediate vicinity, be conducting themselves in a disorderly or immoral manner, to the annoyance or disturbance of said association or such visitors or spectators, or who shall disturb or wrongfully interfere with the peace and good order of said association or any of its meetings, assemblies or festivals; and said parties so appointed shall also possess the same powers and authority on the premises of said association and on the premises adjacent thereto, which constables now possess in criminal cases; and the said party so arrested shall, as soon as conveniently may be, be taken before some justice of the peace of the county of Hudson, there to be dealt with according to law.

May appoint  
persons to  
make arrests.

9. *And be it enacted*, That the real and personal estate of said association shall be taxed the same as the real and personal estate of an individual, and said association shall not be liable to any other tax whatever.

Real and per-  
sonal estate,  
how taxed.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1872.

## CHAPTER LXXII.

An Act to confirm a deed of conveyance made by Ephraim Coles, Thomas Lippincott, William B. Kirby, William C. Brogan and Amos Cawman, trustees of Asbury Methodist Episcopal Church, of Woodstown, Salem county, New Jersey, to Reverend Benjamin F. Woolston.

Preamble.

WHEREAS, Ephraim Coles, Thomas Lippincott, William B. Kirby, William C. Brogan and Amos Cawman, trustees of Asbury Methodist Episcopal Church, of Woodstown, Salem county, New Jersey, by their certain deed of conveyance duly executed under their hands and seals, bearing date the eleventh day of August, eighteen hundred and fifty-seven, did grant, bargain, sell and convey unto Reverend Benjamin F. Woolston, and to his heirs and assigns forever, all that certain lot of land situate in Woodstown, Pilesgrove township, Salem county, New Jersey, and bounded as follows: beginning at a corner in the road leading from Woodstown to Daretown, and runs along said road (1) south forty-two and a-half degrees east, one chain and four links; thence along Enos Conover's lot, south forty-two and a-half degrees west, two chains thirty-eight links to a corner; thence by a line parallel with the rear or back part of the church building and fifty feet therefrom, north forty-three and a-half degrees west, one chain and ten links; thence north forty-five and three-quarter degrees east, and running slightly north of the bodies of a row of maple or shade trees two chains thirty-eight links to the beginning, containing twenty-six hundredths of an acre, more or less; which said deed of conveyance is recorded in the office of the clerk of the court of common pleas of the county of Salem, in Book number twenty-two of Deeds, page five hundred and twelve, &c., as by reference thereto will appear; and whereas, there are doubts of the validity of said deed of conveyance, and of the right and power of the said Ephraim Coles, Thomas Lippincott, William B. Kirby, William C. Brogan and Amos Cawman, trustees as



aforesaid, so to make conveyance of and sell the said lot of land and premises, for remedy whereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance be and the same is hereby in all things confirmed as valid and effectual in law, and shall be deemed and taken to convey to and invest in the said Benjamin F. Woolston, and his heirs and assigns, and estate of inheritance, in fee simple, of, in and to the said lot of land and premises therein described forever; and that the said deed of conveyance, or the record thereof, shall be received and taken in all courts of law and equity, as full and complete evidence thereof. Deed declared valid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1872.

## CHAPTER LXXIII.

### An Act to incorporate the Navesink Bridge Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Mount, Samuel Down, Reuben Parsons, Bryan Lawrence, Lemuel Smith, Joseph G. Mount, Hermanus B. Duryea, Gilbert Giles, Thomas T. Kinney and Edward M. Hartshorne, and their successors, shall be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name and style of "The Navesink Bridge Company," and shall be capable in law and in fact of purchasing, having, holding, using, letting, improving and disposing of such real and personal estate as may be necessary or expedient for the objects and purposes of this incorporation, and may receive and make all deeds, sales, transfers, conveyances, grants, mortgages, bonds, leases, covenants, contracts, agreements and bargains, and be capable of doing all other acts and things whatsoever, proper and necessary for the objects and purposes of said incorporation. Corporators.  
Name and powers.

Amount of  
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and the said shares shall be transferable only on the books of said company, in such manner as the board of directors by their by-laws shall direct.

Commission-  
ers to receive  
subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to said stock, at such times and places as they may select, giving notice thereof at least two weeks prior to the opening of said books, by publishing the same in one newspaper in the county of Monmouth.

Installments,  
how paid.

4. *And be it enacted*, That at the time of subscribing for said stock ten dollars shall be paid on each share to said commissioners, or either of them, which money shall be paid over to the treasurer of the company when appointed, and all future installments shall be paid at such times and places, and in such manner and amounts as the board of directors may from time to time determine; and every share of said stock on which all installments due shall have been paid, shall entitle the holder thereof to one vote, either in person or by proxy, at any authorized meeting of the stockholders; and every owner of land or other property, real or personal, necessary or proper to be purchased by said company, may be permitted by the board of directors to take stock for the amount of the whole or any part of his or her interest therein.

Board of direc-  
tors to man-  
age affairs.

5. *And be it enacted*, That the company shall be managed by a board of ten directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others shall be elected in their stead; and that the directors shall be chosen by the stockholders of said company, annually, at such time and place and in such manner as shall be directed by the by laws of said corporation; and notice of such time and place shall be published at least two weeks previous thereto, in a newspaper published in the county of Monmouth.

Vacancy, how  
filled.

6. *And be it enacted*, That a majority of said board shall constitute a quorum for the transaction of business, and all vacancies in the board of directors may be filled by said board at any time.

First directors

7. *And be it enacted*, That the first directors shall be the incorporators herein before named, who shall respectively

hold their office until others shall be legally chosen from the stockholders in their places as herein before provided.

8. *And be it enacted*, That said company shall have power to erect, construct and maintain a bridge in the county of Monmouth across and over the Shrewsbury river, to cross from some point at the highlands of Navesink to the sea beach, the same being a continuation of Sandy Hook; and also to build piers for the support thereof; and also to erect abutments on either side of the river, said bridge to be at least sixteen feet wide, with a pivot draw, with two openings, to be at least eighty feet wide, and the bridge to be built in a substantial manner of wood or iron as the company may elect; *provided*, that nothing in this act shall affect the rights of the state to lands lying under water. Power to erect and construct a draw bridge. Provide.

9. *And be it enacted*, That Ezra A. Osborn, of Middletown; John S. Lufburrow, of Red Bank; Joseph G. Mount, of Navesink; Cornelius Britton, of Keyport; Charles J. Hendrickson, of Middletown; Andrew Brown, of Middletown, and Furman White, of Red Bank, shall be commissioners, a majority of whom shall fix and determine the site for the erection of said bridge at any point they may deem best adapted for the location of the same. Commissioners to fix sit

10. *And be it enacted*, That the said board of directors shall have power to fix the rates of toll for persons, animals and vehicles of every kind and description passing over said bridge; *provided, however*, said rates of toll shall not exceed those fixed in "An Act to incorporate the Maurice River Bridge Company," approved March twenty-ninth, eighteen hundred and sixty four; toll gates may be kept at each end of the bridge, and the toll demanded and paid upon entering on the bridge, and the rates of toll be posted up conspicuously at the toll gates. Rates of toll. Provide.

11. *And be it enacted*, That it shall be lawful for any toll gatherer having charge of said bridge to stop any person, animal or vehicle from crossing said bridge where the tolls have not been first paid. Toll gatherers may stop persons from crossing.

12. *And be it enacted*, That all drivers of every description of vehicles, or persons on horseback shall not drive over the bridge at a faster gait than a walk; also that if any person shall wilfully or forcibly pass over said bridge without having paid the legal toll, such person or persons in either of the above cases, shall forfeit the sum of ten dollars, besides being subject to an action for damages for every such Penalty for avoidance of toll.

offence, to be recovered by said company, by an action of debt or other proper action in any court of competent jurisdiction with costs of suit.

Penalty for injuring works.

13. *And be it enacted*, That if any firm, person, or corporation shall wilfully or maliciously hinder the work of the construction of said bridge, or shall wilfully, maliciously, or negligently impair, injure, or destroy any of the property of the said company, or obstruct the use of the same, the firm, person or corporation so offending shall forfeit and pay to said company three times the damages sustained by such offence, to be recovered by suit in the name of this corporation, with costs.

May enter on lands, &c.

14. *And be it enacted*, That it shall be lawful for said company, its officers and agents, to enter at all times upon lands and waters, for the purpose of surveying and establishing the location of such bridge, doing no unnecessary damage to private or other property; and said company shall have power to take such materials and lands as they may deem necessary to take or use in the construction and maintenance of said bridge, and the approaches thereto, first making compensation to the owners of said materials and lands therefor, in the same manner as is provided in section sixteen of the act herein before referred to, except that all publications in newspapers, required by said section, shall be made in the county of Monmouth, instead of the county of Cumberland.

May borrow money and issue bonds.

15. *And be it enacted*, That it shall and may be lawful for the said Navesink Bridge Company to borrow moneys, not exceeding in amount twenty thousand dollars, and to issue bonds therefor, secured by a mortgage upon the franchises and property, real and personal, of said company.

Keeper to be employed.

16. *And be it enacted*, That the said company shall at all times have a proper person or persons, at said company's expense, to attend the opening and closing of said draw, for the passage of vessels, or as otherwise required, and that each end of said bridge shall be sufficiently guarded to prevent accidents at all times when said draw may be open, and that the draw shall at all times, during nights, be kept open, except when the bridge may be in actual use for travel or transportation; and when open a red light shall be kept at each end of said draw, and a white light displayed when the draw is closed.

17. *And be it enacted*, That said company shall be at all

times liable to the captain or owners of vessels and cargoes respectively, for all damage occasioned by the negligence of said company, or that of its agent or agents in the unnecessary detention of any vessel or cargo at said bridge. Company liable for damages.

18. *And be it enacted*, That if the channel in said river should so change at said bridge that the passage of vessels through the draw should be seriously obstructed, the said company shall so change the locality of the draw as to accommodate the same to the channel so changed. Draw, when to be changed.

19. *And be it enacted*, That the board of chosen freeholders of the county of Monmouth are hereby prohibited from allowing any of the public moneys being at any time, either directly or indirectly used for or towards the construction or maintenance of said bridge or draw, or the expenses incident to the same. Public money not to be used for constructing or maintaining bridge.

20. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1872.

## CHAPTER LXXIV.

### An Act to incorporate the New York Steam Engine Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby created and made a corporation and body politic, in fact and in law, by the name of "The New York Steam Engine Company." Corporate name.

2. *And be it enacted*, That the capital stock of said corporation shall consist of four thousand shares of the par value of one hundred dollars per share, with the privilege of increasing the same to six thousand shares, which shall be transferred in such manner as the said corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That Samuel W. Torrey and Bradbury C. Chetwood be and they are hereby appointed commissioners to receive subscriptions to the capital stock of

such corporation, and they, or either of them, shall open books of subscription to such stock, at the village of Passaic, in the county of Passaic, at such time and place as they, or either of them, shall appoint, and shall attend and receive subscriptions.

Election of directors.

4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of one hundred thousand dollars shall be subscribed, and twenty per centum thereof paid in, the said commissioners, or whichever opens the books, shall close the same and hold an election for directors of said corporation, first giving notice one week previously, and in a newspaper published in Passaic county, that three directors shall be elected by ballot at such election by the stockholders, each of whom shall have at such election, and all subsequent elections, one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number or such number as the corporation may by its by-laws appoint, shall constitute all subsequent boards, and in case of a vacancy occurring in the board between the elections, the remaining directors shall have power to fill the vacancy; that said directors shall hold their office for one year, and until their successors shall be elected.

President.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president, for such term and in such manner as they shall appoint.

Failure to elect directors not to dissolve

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation and all moneys received by them for such subscriptions; and said directors shall by their by-laws appoint an annual election for directors, but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election.

Failure to pay subscriptions to work for teiture.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, and for any increase of its capital, or any assessment thereupon, and in case of the failure to pay subscriptions, calls or assessments at such time as they may appoint, the said board may, after two weeks' notice in a newspaper published in the county of Passaic, declare the said stock and all previous

payments thereupon forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same shall be forfeited and belong to said corporation.

8. *And be it enacted*, That this said corporation may be dissolved at any time by a vote of three-fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice printed once a week for four successive weeks in a newspaper published in the county of Passaic, and upon such dissolution the directors, or such persons as the stockholders shall appoint, and their successors, shall be trustees, and as such shall have full power to realize, sell and convey and collect the assets of said corporation, real and personal, and pay its debts and divide the surplus among its stockholders pro rata. How dissolved

9. *And be it enacted*, That the said corporation shall have power to carry on the business of manufacturing and selling tools, engines, machinery and other articles, in wood, composition and metals, in the county of Passaic, in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal property, and by water, steam and such other power as they may employ, may carry on manufacturing and milling operations. Business of corporation.

10. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, so far as the same are applicable; and that this act shall take effect immediately. General powers.

Approved February 22, 1872.

## CHAPTER LXXV.

## An Act to incorporate the New York Belting and Packing Company.

- Name.** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby created and made a corporation and body politic, in fact and in law, by the name of "The New York Belting and Packing Company."
- Capital stock.** 2. *And be it enacted,* That the capital stock of said corporation shall consist of twenty thousand shares of the par value of one hundred dollars per share, which shall be transferred in such manner as the said corporation shall direct.
- Commissioners to receive subscriptions.** 3. *And be it enacted,* That Samuel W. Torrey and Bradbury C. Chetwood be and they are hereby appointed commissioners to receive subscriptions to the capital stock of such corporation, and they, or either of them, shall open books of subscription to such stock, at the village of Passaic, in the county of Passaic, at such time and place as they or either of them shall appoint, and shall attend and receive subscriptions.
- Election of directors.** 4. *And be it enacted,* That whenever the capital stock of said corporation to the amount of two hundred and fifty thousand dollars shall be subscribed, and twenty per centum thereof paid in, the said commissioners, or whichever opens the books, shall close the same, and hold an election for directors of said corporation, first giving notice thereof one week previously, and in a newspaper published in Passaic county, that three directors shall be elected by ballot at such election by the stockholders, each of whom shall have at such election and all subsequent elections, one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number, or such number as the corporation may by its by-laws appoint, shall constitute all subsequent boards, and in case of a vacancy occurring in the board, between the elections, the remain-



ing directors shall have power to fill the vacancy; that said directors shall hold their office for one year, and until their successors shall be elected.

5. *And be it enacted*, That the directors shall have power President. to elect out of their body a president for such term, and in such manner as they shall appoint.

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors when elected, the subscription books of said corporation, and all moneys received by them for such subscriptions; and said directors shall by their by-laws appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election. Failure to elect not to dissolve.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation, the money for such subscriptions, and for any increase of its capital, or any assessment thereupon; and in case of the failure to pay subscriptions, calls, or assessments at such time as they may appoint, the said board may, after two weeks notice in a newspaper published in the county of Passaic, declare the said stock, and all previous payments thereupon forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same, shall be forfeited and belong to said corporation. Failure to pay subscriptions to work forfeiture.

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three-fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice printed once a week, for four successive weeks, in a newspaper published in the county of Passaic, and upon such dissolution, the directors, or such persons as the stockholders shall appoint, and their successors shall be trustees, and as such, shall have full power to realize, sell, and convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata. How dissolved

9. *And be it enacted*, That the said corporation shall have power to carry on the business of manufacturing and dealing in india rubber and other articles, in the county of Passaic, in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal Power to purchase and hold real estate.

property, and by water, steam and such other power as they may employ, may carry on manufacturing and milling operations.

General powers.

10. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable, and that this act shall take effect immediately.

Approved February 22, 1872.

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## CHAPTER LXXVI.

### An Act to incorporate the Passaic Duck Mills.

Name.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be, and they are hereby created and made a corporation and body politic, in fact and in law, by the name of "The Passaic Duck Mills."

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall consist of three thousand shares of the par value of one hundred dollars per share, with the privilege of increasing the same to six thousand shares, which shall be transferred in such manner as the said corporation shall direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Samuel W. Torrey and Bradbury C. Chetwood be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of such corporation, and they, or either of them, shall open books of subscription to such stock, at the village of Passaic, in the county of Passaic, at such time and place as they, or either of them, shall appoint, and shall attend and receive subscriptions.

Election of directors.

4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of one hundred thousand dol-

lars shall be subscribed, and twenty per centum thereof paid in, the said commissioners, or whichever opens the books, shall close the same, and hold an election for directors of said corporation, first giving notice thereof, one week previously, and in a newspaper published in Passaic county; that three directors shall be elected, by ballot, at such election by the stockholders, each of whom shall have at such election and all subsequent elections, one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number, or such number as the corporation may, by its by-laws, appoint, shall constitute all subsequent boards, and in case of a vacancy occurring in the board between the elections, the remaining directors shall have power to fill the vacancy; that said directors shall hold their office for one year, and until their successors shall be elected.

5. *And be it enacted*, That the directors shall have power <sup>President.</sup> to elect, out of their body, a president, for such time and in such manner as they shall appoint.

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation, and all moneys received by them for such subscriptions; and said directors shall, by their by-laws, appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election. <sup>Failure to elect not to dissolve.</sup>

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the moneys for such subscriptions, and for any increase of its capital or any assessment thereupon, and in case of the failure to pay subscriptions, calls or assessments, at such time as they may appoint, the said board may, after two weeks' notice, in a newspaper published in the county of Passaic, declare the said stock, and all previous payments thereupon, forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same, shall be forfeited and belong to said corporation. <sup>Failure to pay subscriptions to work for forfeiture.</sup>

8. *And be it enacted*, That this corporation may be dissolved at any time, by a vote of three fourths of its stockholders in interest, at a meeting called for that express pur- <sup>How dissolved.</sup>

pose, by a notice printed once a week, for four successive weeks, in a newspaper published in the county of Passaic, and upon such dissolution the directors, or such persons as the stockholders shall appoint, and their successors, shall be trustees, and as such shall have full power to realize, sell and convey and collect the assets of said corporation, real and personal, and pay its debts and divide the surplus among its stockholders *pro rata*.

Power to carry on business

9. *And be it enacted*, That the said corporation shall have power to carry on the business of manufacturing and selling duck, and fabrics of cotton linen, wool and other matters in the county of Passaic, in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal property, and by water, steam, and such other power as they may employ, may carry on manufacturing and milling operations.

General powers.

10. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable; and that this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXVII.

A Further Supplement to an act entitled "An Act to incorporate the Manchester and Camden Railway Company," approved March eighteenth, eighteen hundred and sixty-eight.

May construct railroad, and connect and consolidate.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company to locate and construct the railroad authorized by the act to which this is a supplement, by the way of Buddtown, in Burlington county, and from thence to Medford in the same county, with the privilege of connecting

and consolidating, at that place, with the Medford and Camden railroad when built, and are hereby invested with, and may exercise the same rights, powers, privileges and franchises, for and in the construction, use and enjoyment of the same, and shall be subject to the same conditions, provisions, limitations and restrictions as are contained in the act to which this is a supplement, except as to the extent and terminus of said railroad.

2. *And be it enacted*, That the time for the completion of <sup>Limitation.</sup> the railroad authorized by the act to which this is a supplement is hereby extended six years.

Approved February 28, 1872.

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## CHAPTER LXXIX.

An Act to incorporate the New Brunswick Carpet Company, to be located in the city of New Brunswick, in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Christopher Meyer, Henry <sup>Corporators.</sup> Richmond, Greenleaf W. Appleton, Isaiah Rolfe, Charles T. Warner, John W. Newell, Samuel L. Johnson, Robert A. Woodworth, John H. Faxon, Isaac L. Martin, Peter A. Van Deventer, Lewis L. Hyatt and Peter G. Polhemus, and their associates, and such other persons as may hereafter become stockholders in the company hereinafter named, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, by the name of "The New Brunswick Carpet Company," for the purpose of manufac- <sup>Name and powers.</sup> turing carpets and other textile fabrics, in the city of New Brunswick, and carrying on the business incident to such manufacture.

2. *And be it enacted*, That the said corporation shall be <sup>Election of directors.</sup> at liberty to purchase and hold such lands and other property as may be necessary for the purposes of their said business; that the stock, property and concerns of the said company shall be managed and conducted by thirteen directors, who

shall be stockholders, a majority of whom shall reside in this state, and who shall hold their offices for one year; that the said directors shall be chosen at an election to be held on the second Tuesday in February, anno domini one thousand eight hundred and seventy-three, and on said day in each year thereafter, at such place in the city of New Brunswick as shall be directed by the by-laws of the said corporation, and public notice of such election shall be given, not less than ten days previous, in the newspapers printed in the city of New Brunswick; and each stockholder shall be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of the said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and if it shall, at any time, happen that any vacancy or vacancies occur, by death, resignation or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies may be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, until other directors are chosen by the stockholders; the first directors shall be Christopher Meyer, Henry Richmond, Greenleaf W. Appleton, Isaiah Rolfe, Charles T. Warner, John W. Newell, Samuel L. Johnson, Robert A. Woodworth, John H. Faxon, Isaac L. Martin, Peter A. Van Deventer, Lewis L. Hyatt and Peter G. Polhemus, and the survivors or survivor of them, who shall hold their offices until the said second Tuesday in February, anno domini one thousand eight hundred and seventy-three, or until others are legally chosen.

**Vacancies, how filled.**

**First directors**

**Officers.** 3. *And be it enacted*, That the said directors shall appoint one of their own number to be president; and they may appoint such other officers as they may deem necessary for properly conducting the business of the said corporation.

**Amount of capital stock.** 4. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of seven hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of two hundred thousand dollars of the said capital stock shall have been subscribed and paid in, it shall and may be lawful for the said company to commence business, and with that capital conduct and carry it on until they shall deem it expedient

to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after notice of such call and demand shall have been published for the space of thirty days in the newspapers published in the city of New Brunswick.

5. *And be it enacted*, That the subscription for the said stock shall be open under the direction of the board of directors, or such of them as shall be designated by the board for that purpose. Subscriptions for stock.

6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation; and that no dividends shall be made among the stockholders except out of the net profits of the said corporation. Stock, how transferable.

7. *And be it enacted*, That in case it should at any time happen that an election should not be held on the day that, pursuant to this act it ought to be held, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws of the said corporation. Failure to elect directors not to dissolve

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times during business hours, be open to the inspection of the stockholders of the said corporation, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the books to be kept by the directors for that purpose. Books of account to be kept.

9. *And be it enacted*, That the said company may be dissolved at any general meeting and by the vote of the stockholders specially convened for that purpose; *provided*, at least three-fourths in value of the stockholders shall be present or represented at such meeting; and upon such dissolution, the directors for the time being, and the survivors or survivor of them, shall be trustees for settling all the affairs How dissolved. Proviso.

of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders representing a majority of the stock at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors or survivor of them, shall be trustees or trustee for the purpose aforesaid.

Limitation.

10. *And be it enacted*, That this act shall take effect immediately, and shall continue and be in force for the period of twenty years.

Approved February 28, 1872.

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## CHAPTER LXXXI.

Supplement to an act organizing the board of commissioners of the town of Freehold, county of Monmouth, entitled "An Act for the improvement of the town of Freehold," approved March twenty-third, eighteen hundred and sixty-nine.

Commissioners authorized to raise money by taxation.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of establishing an efficient fire department, and for procuring a hook and ladder truck and other fire apparatus, and preparing cisterns for a suitable water supply in the borough of Freehold, county of Monmouth, it shall be lawful for the board of commissioners of said borough to raise, at such time or times as they may deem expedient, a sum or sums of money not exceeding in all one thousand dollars (\$1,000), by taxation, in the usual manner for raising funds for the use of said commissioners.

Money, how appropriated.

2. *And be it enacted*, That the board of commissioners of the borough of Freehold be and they are hereby authorized to entrust the apparatus aforesaid to the Good Will Hook and Ladder Company in said borough, for care and use, sub-



ject to such regulations as the said board of commissioners shall deem essential to the welfare of the town; and they be and are hereby authorized to appropriate such moneys from funds in their hands, not otherwise appropriated, as may be necessary to keep said apparatus in working order.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXXII.

A Supplement to the act entitled "An Act to incorporate the Newark and Clinton Horse Car Railroad Company," approved March twenty-second, eighteen hundred and sixty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said the Newark and Clinton Horse Car Railroad Company shall hereafter be known and designated by the name of "The Newark and Clinton Railway Company," and by that name have and exercise all the powers and privileges conferred by the act to which this is a supplement, and that all property, real and personal, of the said company shall vest in, and be deemed and taken as belonging to the new company chartered by this act, their successors and assigns, and with the same remedies at law and equity in respect thereto, as if the original company had been incorporated under this act, but nothing in this act contained, or in the act to which this is a supplement, shall authorize the use by said company of steam power on its road.

2. *And be it enacted*, That at and after the next election of directors of said company the number of directors shall be seven instead of thirteen, as required by the act to which this is a supplement.

3. *And be it enacted*, That the said company be, and are hereby authorized and invested with the rights and power to extend and lay the track of their rails on and over any street or avenue in the city of Newark; *provided*, the said com-

Change of  
name.

Number of di-  
rectors.

May lay rails  
on and over  
streets or ave-  
nues.

Proviso.

pany first obtain the permission of the common council of said city upon such conditions and restrictions as the said common council may designate to lay the same.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXXIII.

A Supplement to the act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section numbered one hundred and fifty-one, of the act to which this is a supplement, shall apply as fully to taxes, water rents and assessments levied upon lands, tenements or real estate, situate in the city of Jersey City, before the passage of said act, as it does to taxes and assessments thereafter levied, and all proceedings heretofore taken for the collection of such taxes, water rents or assessments previously levied, shall be as valid and effectual as if taken for the collection of taxes and assessments thereafter levied.

Proceedings  
for collection  
of taxes, &c.,  
declared valid.

2. *And be it enacted*, That sections numbered thirty-one, one hundred and fifty-two, and one hundred and fifty-three, of said act, shall apply as fully to taxes, water rents or assessments levied under any act relating to Jersey City, or Hudson City, or the city or town of Bergen, as they do to assessments levied under the act to which this is a supplement.

Certain sec-  
tions to apply  
to taxes, &c.,  
levied.

3. *And be it enacted*, That nothing contained in the act to which this is a supplement shall be construed or held to impair any right which the mayor and aldermen of Jersey City had at or before the passage of said act, to any taxes, water rents or assessments theretofore levied, or to any penalties, interest or costs theretofore legally accrued, or thereafter legally to accrue by reason of the non-payment of any such

Proceedings  
may be taken  
for collection  
of taxes, water  
rents, &c.

taxes, water rents or assessments, and such proceedings may be taken for the collection of any such taxes, water rents, assessments, penalties, interests and costs as may be taken for the collection of taxes, water rents, assessments, interest, penalties and costs, levied or accrued under said act.

4. *And be it enacted*, That the act to which this is a supplement shall, in all courts and places, be construed as if the provisions of this supplement had been incorporated in said act at the time of its passage. Act, how construed.

5. *And be it enacted*, That in giving notice of any adjourned sale for taxes, water rents or assessments in Jersey City, it shall not be necessary to publish any description of the lands, tenements or real estate to be sold, or the taxes, water rents or assessments for which such sale is to be made; but it shall be sufficient to publish notice that the sale previously advertised stands adjourned to the time and place specified in the notice; which said adjournment of sale shall be for not less than thirty nor more than ninety days. Notice of adjourned sale.

6. *And be it enacted*, That no declaration of the sale of any lands, tenements or real estate in Jersey City for taxes, water rents or assessments, shall be entitled to be recorded in the office of the clerk of Hudson county, until a certificate shall have been endorsed thereon under the hand of the clerk of Jersey City, and the seal of the city, setting forth that the affidavit of the service of the six months' notice mentioned in section numbered one hundred and fifty-one of said act, has been filed in the city clerk's office, and that the six months' of notice, and the two years mentioned in said section have expired; which certificate the said clerk is hereby required to endorse, whenever the same may be true. Declaration of sale, when to be recorded.

7. *And be it enacted*, That all acts and parts of acts inconsistent with any of the provisions of this act be and the same are hereby repealed. Repealer.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXXIV.

An Act to authorize the trustees of the Methodist Episcopal Church at Perkintown to sell and convey real estate.

Trustees authorized to sell real estate, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church at Perkintown, in the county of Salem, or their successors in office, be and they are hereby authorized and empowered to sell and convey any and all real estate and appurtenances situate in the county of Salem, now held by them in trust as the property of, or for the use or benefit of the said Methodist Episcopal Church at Perkintown, by virtue of a deed made to the trustees of said church by Poltis Risnor and Martha his wife, bearing date the twenty-sixth day of February, anno domini one thousand seven hundred and ninety-eight, and recorded in Book B of Deeds, in the clerk's office of Salem county, folios five hundred and ninety-five, five hundred and ninety-six and five hundred and ninety-seven; and also by virtue of a deed bearing date the twenty-fourth day of December, anno domini eighteen hundred and thirty-six, from William Allen and Margaret Jane, his wife, David Sheets and Mary his wife, James M. Allen and Elizabeth Allen, recorded in Book R R of Deeds, page four hundred and eighty-eight, in the Salem county clerk's office; and also by virtue of a certain other deed dated the twenty-second day of May, anno domini eighteen hundred and thirty-two, from John Risnor and Elizabeth his wife, Jacob Ambester and Lydia Ambester, recorded in Salem county clerk's office, in Book number twenty-one of Deeds, page five hundred and fifty-two, &c.; and for that purpose to make, execute and deliver to the purchaser or purchasers of said real estate and appurtenances, a good and sufficient deed or deeds for the same, by which deed or deeds the said purchaser or purchasers shall hold the said premises so conveyed, to his or their own use, free and clear and absolutely discharged from all trusts whatever, upon which the same has heretofore been held.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXXVI.

An Act to authorize Mahlon Mulford to convey lands, formerly belonging to Robert Price, deceased, and to distribute the proceeds arising therefrom.

WHEREAS, Robert Price, deceased, formerly of Elizabeth, Preamble.

New Jersey, by his last will and testament, duly proved before the surrogate of the county of Essex, on the first day of August, in the year eighteen hundred and forty-three, and recorded in Book H, page one, of Wills for Essex county, directed that all the lands belonging to his estate, which should remain unsold at the time of the death of his brother, Elihu Price, and his sister, Mary Price, should then be sold by his executor, and the proceeds of sale be divided, as in said will directed, and appointed Elias Winans the sole executor thereof; and whereas, the said Elihu Price and Mary Price and Elias Winans are now all dead, and the said Elias Winans, by his last will and testament, duly proved before the surrogate of the county of Essex, on the fifteenth day of October, eighteen hundred and fifty three, and recorded in Book K, page two hundred and eighty-nine, of Wills for Essex county, appointed Maline M. Halsey executor of the same; and whereas, there are lands belonging to the estate of said Robert Price remaining unsold, and doubts are entertained whether the said Maline M. Halsey, as such executor, can convey the lands formerly of said Robert Price, deceased, and now belonging to his estate, according to the terms of the said will of said Robert Price; and whereas, all the legatees claiming under the will of said Robert Price, have appointed and duly constituted Mahlon Mulford, of the city of Elizabeth, their lawful attorney, to settle and adjust all matters pertaining to the estate of said Robert Price; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mahlon Mulford, of the city of Elizabeth, in said state of New Jersey, be, and he is hereby appointed, and fully authorized and empowered to sell and convey any and all of the lands of the estate of the said Robert Price, deceased, yet remaining unsold, according to the terms

Authorized to  
sell and con-  
vey lands.

of the said will of said Robert Price, deceased ; and is hereby authorized and empowered to give as good and sufficient deed or deeds of conveyance for the same, as could have been given by the said Elias Winans, in his life time, as the executor of said Robert Price, deceased, after the death of said Elihu Price and Mary Price ; and that such deed or deeds of conveyance shall vest in the purchaser or purchasers of said land, from said Mahlon Mulford, all the right, title, interest and estate, to and in said lands, under the said last will of Robert Price, deceased.

Trustee to  
pay proceeds  
of sales.

2. *And be it enacted*, That said Mahlon Mulford be, and he hereby is appointed a trustee to pay the proceeds of the sale or sales made by him, under and by virtue of this act, to the persons, and in the proportions as designated in and by the said last will of Robert Price, deceased.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

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## CHAPTER LXXXVII.

### An Act to incorporate the Merchants' Loan and Trust Company.

Corporators.

Name and  
powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thos. N. Dale, James F. Preston, Alexander King, Ebenezer K. Rose, Robert Barbour, Absalom B. Woodruff and Charles Hemingway, with all others who are, or shall hereafter be associated with them, be, and they hereby are, with their successors and assigns, made and established a body politic and corporate, by the name of "The Merchants' Loan and Trust Company ;" and by that name shall be capable in law to purchase and hold all kinds of property, real, personal and mixed, and the same at pleasure to sell and convey, to sue and be sued, in all courts ; to have and use a common seal, and the same to alter at pleasure ; to make and carry into effect all such by-laws

and regulations as may be deemed expedient for the proper management of the affairs of the corporation, not repugnant to its charter, the laws of this state or of the United States, and generally to do, and cause to be done and executed, all such acts and things as may seem necessary and proper, within the limitations aforesaid.

2. *And be it enacted*, That the corporation hereby created shall have power to receive money in trust and on deposit, and to allow and pay interest on said money, and to loan the same at any rate of interest allowed by law; may take and receive on deposit, or in custody for safe keeping, bonds, plate, jewelry, stocks, and other valuable property, upon such terms and for such compensation as may be agreed upon by the said corporation and the depositors, respectively, of any such property aforesaid; may accept and execute all trusts, whether fiduciary or otherwise, as shall or may be committed to said corporation by any person or persons or party, or by the order or direction of any court or tribunal, or other legally constituted authority in the state of New Jersey, upon security hereinafter provided, for the fulfillment of such trusts; and may make such special regulations in reference to trusts, funds, deposits, or savings left for accumulation or safe keeping, as shall best aid the said depositors or parties interested, by accumulating or increasing the same; and said corporation may advance moneys, securities, and credits upon any property, real or personal, on such terms as may be established by the directors of said corporation; and the funds of said corporation may be invested and re-invested in, and loans made upon bond and mortgage, on real estate within this state, and the bonds and stocks of this state and of the United States, and upon such other security as the board of directors may see proper; and said corporation may receive in addition to the interest upon such loans, a commission for the transaction and making said loans.

May receive money on trust and deposit.

May invest funds.

3. *And be it enacted*, That in all cases where an application shall be made to any court having jurisdiction and authority to appoint a guardian for any infant, or receiver of any estate, such court shall have power to appoint said corporation such receiver, or the guardian of the estate of said infant, upon the security herein provided for the fulfillment of said trusts; and said corporation, in respect to such trusts as shall be committed to them by any court or tribunal in this state, under any of the provisions of this act, shall be sub-

Corporation may act as receiver or guardian.

ject to all such orders and decrees as said court shall make and pass, in respect thereto, and to the investment thereof, and shall be liable to account at such time and times, and in such way and manner as said court or tribunal shall, from time to time direct.

May hold real  
or personal es-  
tate, &c.

4. *And be it enacted*, That it shall be lawful for the corporation hereby incorporated, to take and hold any real or personal estate in trust or otherwise, as security for, or in payment of loans and debts due and to become due to said company, to purchase real estate or other property, at any sale made in virtue of any loan, debt, or mortgage made or held by said company, and receive and take in satisfaction of any such loan or debt, any real estate or other property, and hold, lease and convey the same at pleasure.

Capital stock  
liable for  
trusts and de-  
posits.

5. *And be it enacted*, That all the capital stock, property and estate of every kind belonging to said company, shall be and stand charged with the fulfillment of said trusts and the payment of said deposits, and said trust and other funds, as the first and prior lien thereon, in case of the failure of said corporation; and said corporation shall at all times have a lien upon all the stock or property of its stockholders invested therein, for all debts due from them to said corporation.

Capital stock.

6. *And be it enacted*, That the capital stock of said company shall not be less than one thousand shares of one hundred dollars each, with the privilege of increasing the same by a vote of the directors to any number not exceeding five thousand shares in the whole, which shall be transferable according to such rules as may be established by the directors of said company; at the time of subscribing for the capital stock of said company, there shall be paid in ten dollars on each share thereof, and the remaining ninety dollars per share, shall be paid into the treasury of said corporation, as required by the directors in and by a call published in one or more newspapers published in the county of Passaic; and every subscriber who shall neglect to pay said residue of each share by him or her subscribed, in the manner aforesaid, shall forfeit to said corporation his or her share or shares, and all payments made thereon, together with the profits that may have accrued thereon; and said corporation shall not commence the business authorized in the second section of this act until all the capital stock is subscribed for and taken, and at least fifty thousand dollars



is paid in, and the balance, if any paid, or secured to be paid, either by a first mortgage, or mortgages of real estate, of the value of one quarter more than the amount to be secured, or by the pledge of the bonds of the United States, or of the several states, or of either of the incorporated cities of this state, or by such security as shall be approved of by said trustees, the market value of which shall be at least equal to the amount of capital so secured.

7. *And be it enacted*, That to carry out the provisions of this charter, and to organize the said corporation, the persons named in the first section of this act, or a majority of them, are hereby authorized to make and receive subscriptions to the capital stock of said company hereby incorporated, and they, or a majority of them, are hereby empowered to open books for such subscription, at such time or times, and place or places, and in such manner, in the city of Paterson, as shall be appointed by them; and said persons named in the first section of this act, or a majority of them, are hereby authorized to call a meeting of the stockholders, to be holden in Paterson, within thirty days after the capital stock to the amount last aforesaid, shall have been subscribed, for the purpose of choosing directors, who, when chosen, shall continue in office until the first annual meeting of the stockholders, which shall be held in the city of Paterson on the second Tuesday of January next, after such organization.

Commissioners to open books of subscription.

8. *And be it enacted*, That for the well ordering of the affairs of said company, there shall not be less than five, nor more than fifteen directors, of whom a majority shall be residents of this state, and five of them, at least, residents of the city of Paterson, who shall be elected annually by the stockholders in general meeting, and none but stockholders shall be eligible as directors; at the first meeting after each election, the directors shall choose one of their number for president, and whenever the place of president or director shall become vacant by resignation, or otherwise, the same may be supplied by the board of directors for the remainder of the year; and said directors shall determine how many of their own body shall constitute a quorum for the transaction of business.

Directors.

President.

9. *And be it enacted*, That a general meeting of the stockholders may be called whenever the stockholders shall judge proper, and at least five days previous notice of any general or special meeting shall be given in some newspaper published

Notice of meetings of stockholders.

in the city of Paterson, or in such other manner as the directors may order ; all stockholders shall be entitled to vote in any general meeting, by proxy or in person, and each share shall be entitled to one vote ; but no share or shares in said corporation, shall give to any stockholder a right to vote on the same, unless the same shall have stood in his or her name upon the books of said corporation at least thirty days before the time of voting, after the first election.

Officers.

10. *And be it enacted*, That a secretary, treasurer, and such other officers and agents as may be necessary for performing the business of said corporation, shall be appointed, and their compensation shall be determined by the board of directors, who may also determine the nature and amount of securities to be given by them for the faithful performance of their duties ; the board of directors shall have the disposal, and management of all the property and affairs of said corporation, with the power to regulate the concerns thereof, in all cases not herein otherwise provided.

Annual statement.

11. *And be it enacted*, That it shall be the duty of the president and treasurer of said corporation, annually, on the first day of January, in each year, or within thirty days thereafter, to make out under oath, and deliver to the comptroller of the treasury a statement of the amount of the capital stock, the amount paid in, the amount of moneys held in trust, or in deposit by them, and generally the assets and liabilities of said company ; which said statement shall be entered at length by the comptroller of the treasury, in a book kept for that purpose.

12. *And be it enacted*, That this act may at any time be altered, amended, or repealed by the legislature.

Approved February 28, 1872.

## CHAPTER LXXXVIII.

An Act to confirm the proofs and acknowledgments of deeds and other writings of Hezekiah Mount, late commissioner.

WHEREAS, it is represented that Hezekiah Mount, of the Preamble, township of Princeton, in the county of Mercer, and state of New Jersey, late commissioner appointed and duly commissioned to take the proof and acknowledgments of deeds and other writings, under misapprehension as to the time when his term of office as such commissioner commenced, took the proof and acknowledgment of certain deeds and other writing after his term of office expired; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments of deeds and other writings taken and certified to by the said Hezekiah Mount after his term of office expired, be and the same are hereby declared and made valid and effectual in law, and shall in all courts be held, taken and adjudged to have the same force and effect as if the same had been taken before the expiration of his term of office. Acknowledgment confirmed and declared valid.

2. *And be it enacted*, That this act shall be held and taken as a public act, and that it shall take effect immediately.

Approved February 28, 1872.

## CHAPTER LXXXIX.

A Further Supplement to the "Act to divide the township of North Bergen, Hudson county."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to add, not

Amount to be  
raised by tax-  
ation.

Proviso.

Compensation  
of offic.rs.

Records to be  
open to in-  
spection.

Failure of the  
township  
clerk to act.

ompenensation

exceeding ten per centum, to the gross amount ordered to be raised by taxation, which sum so added and assessed, shall cover, liquidate and meet the fees or pay of the assessor and the collector, and all other fees and current expenses pertaining to the township of North Bergen; *provided*, said sum in no case shall exceed twenty-five hundred dollars for any single year's disbursements in behalf of fees and current expenses of said township.

2. *And be it enacted*, That the assessor and the collector shall each receive as compensation for his services the amounts which follow; the assessor a sum not to exceed one and a-half per centum on the total amount assessed for all purposes in said township, and the collector a sum not exceeding one and a-half per centum on the amount actually collected by him, said sums to be fixed by the township committee, which committee shall also fix the annual compensation to be paid the treasurer, who shall likewise receive a sum not to exceed one per centum upon the amount disbursed by him.

3. *And be it enacted*, That the archives, books and records of the township shall be at all times open to the public examination and inspection of the taxable inhabitants of said township; and regulations may be made and afforded by the township committee in that behalf; and in the event of inability, neglect or failure to discharge clerkship duties, the township committee are empowered to supply a temporary inability, neglect or failure, and deduct and set off from the sum allowed for clerk's salary, a proportionate amount to supply and compensate for such inability, neglect or failure as aforesaid; and the town clerk (whose duties under the direction of the township committee, shall be the recording and keeping of all minutes and official proceedings, the preparing and serving of notices ordered, the issuing and delivery of all declarations of sale, certificates of license, of search, or otherwise,) shall receive in full for each and all of the services so rendered as such clerk, a sum not to exceed three hundred dollars per annum.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 28, 1872.

## CHAPTER XC.

An Act to change the name and seal of the Washington-Kranken-Unterstützungs-Verein of Washington, South River, to the Koerner Hain, Number Twenty-one, of the town of Washington, South River.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act incorporating the Washington-Kranken-Unterstützungs-Verein of Washing-<sup>Change of name.</sup>ton, South River, approved February third, eighteen hundred and seventy, be and the same is hereby amended, and that the said name be and is hereby changed to the name of "Koerner Hain, Number Twenty-one, of the town of Washington, South River," and that the said incorporate association shall be, and is hereby vested with all the rights and privileges inuring to the Washington-Kranken-Unterstützungs-Verein, and also subject to all restriction and liabilities in the said act of incorporation; and that this act shall in no way or manner change the former act of incorporation, but only the name and seal thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

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 CHAPTER XCI.

An Act to enable the Trustees of the Emory Methodist Episcopal Church, of Bergen, to convey and mortgage property.

WHEREAS, the Emory Methodist Episcopal Church, of Ber-<sup>Preamble.</sup>gen, are engaged in the erection of a new place of worship;

and whereas, it is desirable to sell the old church edifice and the lot or curtilage upon which it stands, to aid in paying for the new building ; and whereas, it may be desirable also to sell some part of the lot or curtilage connected with the new house of worship, or to mortgage some part or all of said real estate,

Trustees empowered to sell real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Emory Methodist Episcopal Church, of Bergen, in the city of Jersey City, and county of Hudson, are hereby authorized and empowered to sell either at public or private sale, such part or parts of the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers, a good and sufficient deed or deeds for the same by which the whole title of said corporation shall pass to the purchaser or purchasers, free and clear and absolutely discharged from all trusts whatsoever upon which the same now is, or has heretofore been held, and they are also hereby authorized and empowered to mortgage any part, or all of the real estate held by them when in their opinion it is desirable so to do.

Proceeds, how to be used.

2. *And be it enacted*, That the proceeds of the said sale or sales, or mortgage or mortgages, shall be used by said trustees to aid in paying for the new building now erecting, or for such other purpose as the said trustees shall determine.

3. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved February 28, 1872.

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## CHAPTER XCII.

An Act to change the name of Zion Free Church, Bergen, at Jersey City.

Change of name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "Zion Free Church, Bergen," of Jersey City, be and the same is hereby

changed to that of "St. John Free Church, Jersey City," and by the latter name shall have, hold and receive all real and personal estate, and enjoy all rights, powers, privileges and immunities, and be subject to the same liabilities as though the name of said church had not been changed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

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## CHAPTER XCIV.

An Act for the widening and straightening of roads and laying out of streets and avenues in the township of Lodi, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all taxable inhabitants that own property fronting on any public highway, proposed to be improved, or the property owners over whose lands, streets or avenues are proposed to be laid out, or a majority of them that are present at any meeting called for the said purpose, public notice of which shall be given by six written notices, placed in six conspicuous places along the line of the proposed improvement, ten days previous to said meeting to appoint three commissioners, with full power and authority to straighten or widen any road to no less than three rods, that may be less than that width, and to lay out any street or avenue to such width, and to grade and put in good order, as a majority of said voters at the said meeting may decide, then to adjourn subject to the call of the commissioners.

Owners of property empowered to appoint commissioners to lay out any street or avenue, &c.

2. *And be it enacted*, That the said commissioners or a majority of them are to act until the duties entrusted to them are finished, at which time they will call the adjourned meeting (of which they shall give five days notice in the manner provided in section first of this act), and exhibit a statement of their proceedings, and that each of said commissioners,

Commissioners to exhibit statement.

before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace, faithfully and impartially to discharge the duties of his appointment.

May enter on  
and take  
lands, &c.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power to employ all necessary surveyors, workmen and agents, to effectually carry out the powers and authority granted in the first section of this act, and they are hereby authorized to enter upon and take any lands and improvements (including all buildings except dwelling houses), that may be necessary for that purpose, upon paying to the owner or owners the damage done by taking the said lands and improvements, the said damage to be determined by the said commissioners; *provided*, that in determining said damage done by the taking of the land, they shall only allow to the owner for the excess if any of damage done over and above the advantage that will, in their judgment, accrue to the owner or owners of land taken, and all excess of benefits shall be assessed on the lands benefited, in proportion to the benefits.

Proviso.

Duties of over-  
seers of high-  
ways.

4. *And be it enacted*, That when any road has been straightened or widened, as laid out and designated by the surveyor, the commissioners shall forthwith notify the overseers of highways of the district or districts in which the said improvement has been made, and it shall be his or their duty to take charge of the same as of other highways in the said district or districts respectively.

Meeting to de-  
cide when  
streets shall  
be opened.

5. *And be it enacted*, That when any meeting is called according to the provisions of the first section of this act for the purpose of laying out any street or avenue, it shall be lawful for the majority of said meeting to decide when said street or avenue shall be opened; and if the time for opening any street or avenue is undetermined by said meeting, it shall be lawful to call in like manner any subsequent meeting to decide when said street or avenue shall be opened.

Costs and ex-  
penses to be  
assessed.

6. *And be it enacted*, That it shall be lawful to assess the costs and expense of any improvement decided upon agreeable to the first section of this act; and the said commissioners shall make the said assessment according to the frontage, by dividing the whole amount of the cost (upon each road, street or avenue separately), of the improvement by the number of running feet along the line of the road,



street or avenue improved, each and every running foot bearing an equal portion of the cost.

7. *And be it enacted*, That certificate of the said assessment so determined shall be a lien on the lands upon which it is laid, and the said commissioners shall make a copy of said certificate, which they shall place in the hands of the collector of taxes for the time being of the township of Lodi; and it shall be the duty of the collector to collect said assessment within sixty days of his receipt of the said certificate in the same manner as township taxes are collected (the collector's ordinary securities being responsible for the same), and pay the same over to persons presenting orders signed by said commissioners, and the said collector shall, in the collection of said assessments, be liable to the same pains and penalties, and entitled to twenty cents per name for each owner assessed. Assessments to be a lien. Collectors to collect assessments.

8. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid shall fail to pay the assessment laid thereon within six months from the time the same shall become due by virtue of this act, upon which the said assessment is a lien, said lands shall be sold in the same manner and by the same authority as lands are sold for non-payment of state and township taxes. Lands to be sold for non-payment.

9. *And be it enacted*, That it shall be the duty of said commissioners in each case, within thirty days after the conclusion of their proceedings, to make return of their proceedings to the clerk of the county of Bergen, who shall file the same of record in his office, and the same, or a copy thereof, certified by said clerk, shall be evidence in all courts of this state. Commissioners to make return of proceedings.

10. *And be it enacted*, That the commissioners shall receive for their services two dollars per day each for each day's actual service, to be included in the assessments above provided for. Compensation

11. *And be it enacted*, That this act is a public act, and shall take effect immediately.

Approved February 28, 1872.

## CHAPTER XCV.

An act to incorporate the Howland Hotel Company.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony J. Drexel, Cadwalader Biddle, Edward Browning, Jacob Herbert, Henry Howland, William P. Tatham, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Howland Hotel Company," and by that name shall have power to lease, purchase and hold real estate, at or near Long Branch, in the township of Ocean, county of Monmouth, and state of New Jersey, and to erect, improve and maintain a hotel and other buildings and improvements thereon, or upon any part thereof, and to mortgage said real estate, with the appurtenances or any part thereof, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, holding, or mortgaging of said premises, or for the management or distribution of the stock, effects and concerns of said corporation, or otherwise controlling or disposing of the same.
- Name and powers.**
- Capital stock.** 2. *And be it enacted*, That the said corporation shall have power to raise, by a subscription, a capital stock of sixty thousand dollars, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding one hundred thousand dollars, which capital stock shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of the said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given either in person or by proxy.
- Commissioners to receive subscriptions.** 3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such places and times in the city of Philadelphia, state of Pennsylvania, city of New York, state of New York, and in the state of New

Jersey, as a majority of them may appoint, giving previous notice thereof in a newspaper published in the county of Monmouth and city of Philadelphia, for two weeks, at least once each week, and as soon as twenty thousand dollars of said capital stock is subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders for the purpose of organizing said corporation and electing directors, giving notice thereof in a newspaper in said county of Monmouth, as said commissioners, or a majority of them, shall deem expedient, and the remainder of the stock shall be disposed of under the direction of the directors of the corporation, or a majority of them.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, and shall be five in number, who shall hold their office until others are duly elected and qualified in their stead; and in case of a vacancy in the board of directors by death, resignation, or otherwise, a majority of the remaining directors shall have power to fill such vacancies, and any election or elections of directors after the first election aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide, and that a majority of the directors for the time being, shall form a board for the transaction of the business of said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects or concerns of said corporation. Election of directors.

5. *And be it enacted*, That the whole amount of the debt which the said corporation shall, at any time owe, shall not exceed the amount of capital stock subscribed for. Amount of debt not to exceed capital stock.

6. *And be it enacted*, That the said corporation may be dissolved whenever the stockholders representing three-fourths of said capital stock shall so determine, at a meeting held for that purpose, of which notice shall be given by publishing the same in newspaper published, printed and circulated in the county of Monmouth, state of New Jersey, and said city of Philadelphia, specifying the object of such meeting; and in such case, the directors for the time, shall be the trustees to sell, dispose of the property of said corporation, who shall divide the proceeds of such sale, after payment of the debts and liabilities of said corporation *pro rata* among the stockholders. How dissolved

7. *And be it enacted*, That the said corporation by the ac-

May borrow  
money.

tion of its board of directors, when they deem it necessary for the purposes of the company, shall have power to borrow money from time to time, and make and deliver the bonds of the company executed as the directors may direct, bearing interest as therein or in coupons shall be expressed, not exceeding seven per centum per annum, the principal and interest payable at such times and places, in or out of this state, and in such manner as they may direct, the total amount of the bonds not to exceed twenty thousand dollars, and they may secure the same by mortgage or mortgages of the company, which shall be and remain a lien for the amount secured thereby, on any property real or personal, and upon the chartered or other rights of the company therein and thereby mortgaged until the same be paid; and the registry thereof in the county of Monmouth shall be notice to all parties interested, and the same shall be recorded by said clerk in the record of mortgages in his office; and it shall be lawful for said directors, and they are hereby authorized to negotiate, sell or dispose of any of the bonds or obligations of the company at public or private sale, at a rate to be fixed by the said board of directors at a meeting called for that purpose.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

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## CHAPTER XCVII.

An Act enabling the Rector, Wardens and Vestrymen of St. Paul's Church, in Rahway, to sell lands.

Preamble.

WHEREAS, Nathan Thorp and wife, by their deed dated the sixth day of March, eighteen hundred and forty-eight, and recorded in the clerk's office of Middlesex county, in book forty-seven of deeds, page one hundred and forty-six, etc., did convey unto "The Rector, Wardens and Vestrymen of St. Paul's Church," and to their successors forever, a certain tract of land now in the said city of Rahway, and

in said deed particularly described; and whereas, for some time after the making of said deed, the said tract was used as a burial ground, and various lots therein sold by said church to persons who have used the same for purposes of interment; and whereas, for a long time the use of said tract for such purposes has been forbidden by the municipal authorities of said city, in consequence of which nearly all the burial lot holders who can be found have removed the remains of bodies from their lots, and have surrendered the deeds given them by said church; and whereas, said burial ground, by disuse and neglect, and by city improvements being made adjacent to and upon the same, is becoming a source of injury to the neighborhood and to the public at large, and is also a heavy burden upon said church, by reason of assessments laid upon it for said improvements; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said church corporation to purchase other lands, in some suitable location, for burial purposes, or sufficient burial lots in some cemetery already laid out and established in the vicinity of the city of Rahway, and at their own proper costs and charges remove and reinter the remains of the bodies now interred and buried in the above mentioned land, heretofore used as a burying ground as aforesaid, and also to remove all tombstones and monuments erected over the graves of remains in said burying ground, and set the same up in a substantial and proper manner over the graves of the bodies so removed and reinterred, and without charge, giving to the owners of all lots from which remains may be taken a title to the lots to which such remains may be removed.

May purchase  
lands for bur-  
ial purposes.

2. *And be it enacted*, That upon the removal of the bodies, tombstones and monuments from the said land, by the said church, as above provided, it shall be lawful for the said corporation, and they are hereby authorized and empowered to sell and convey the whole or any part of the said tract of land and premises, in fee simple or otherwise, as may to them seem proper and desirable, free and clear, and absolutely discharged of and from all trusts whatsoever, and to execute and deliver to the purchaser or purchasers thereof good and sufficient deed or deeds therefor, to be executed and proved in the manner that deeds of corporations are now made and proved by law, which deeds shall convey to and vest in the purchaser or

May sell and  
convey lands.

purchasers a good and valid title to and for the said land so conveyed.

Corporation to  
pay and re-  
fund money  
to purchasers  
of lots.

Proviso.

Proviso.

3. *And be it enacted*, That the said church corporation shall pay and refund to such person or persons as may have purchased lots in the said tract, and who have not surrendered their deeds therefor, the amount of the purchase money paid for said lots, without interest, and less the expense of the removal of bodies and head-stones from said lots and cost of new lot, as damages for taking the same; *provided*, the same be demanded within five years from the passage of this act, and the remainder of the purchase money received for the land so sold shall and may be applied to and for such purpose as the said church may direct; *and provided further*, that if any such owner shall be dissatisfied with the amount of said damages, he or she, at any time within one year after the passage of this act, upon giving ten days' notice to said church, may petition the supreme court or circuit of Union county, for an assessment of such damages; and the said court shall order a trial by jury to estimate and assess the damages, if any, sustained by the party so dissatisfied for the deprivation of such lot for such purposes; the trial whereof shall be conducted as in other cases of trial by jury, and in estimating such damages the jury shall deduct therefrom such advantages as said owner may be deemed to acquire by the removal of any remains from his lot, and by the acquisition of the title to the lot in which said remains may be placed, and said corporation shall be liable for the payment of the amount of the damages awarded by such jury on demand; but no claims made by any owner, whether by appeal or otherwise, shall in any way interfere with or prejudice the title of any purchaser of the same.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 28, 1872.

## CHAPTER XCVIII.

## An Act to incorporate the Medford Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin F. Shreve, Henry I. Budd, Barclay Haines, Henry P. Ely, Franklin C. Dough-ten, Abraham P. Stackhouse, and Richardson S. Reeve, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name of "The Medford Land Improvement Company;" and by that name shall be capable in law, of purchasing, using, holding, letting, improving and disposing of such real and personal estate, in the county of Burlington, as may be necessary or expedient to the objects of this incorporation; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the said purposes.

Name and powers.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected, and that the said directors shall be chosen on the first Monday in May in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and that notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Burlington; and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the said directors may appoint all agents, officers and superintendents, and make such compensation and assign such duties to the said agents, officers and superintendents as

Affairs, how managed.

**Vacancy, how filled.** they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatsoever, among the directors of said company, such vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Benjamin F. Shreve, Henry I. Budd, Barclay Haines, Henry P. Ely, M.D., Franklin C. Doughten, and Richardson S. Reeve, who shall hold their offices until the first Monday in May next, or until others are legally chosen, and that the offices of the company shall be at Medford.

**First directors**

**Amount of capital stock.** 3. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, with the privilege of increasing it to fifty thousand dollars, which shall be divided into shares of fifty dollars each, and as soon as one hundred shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so subscribed, paid or secured to be paid, it shall, and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, and at such times, and in such proportions as they shall deem proper, not exceeding twenty-five dollars on each share, at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Burlington, or be given in writing to the stockholders for the same length of time before such installments are required to be paid; and in case of the failure of any stockholder to pay his or her installment at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholders shall incur a forfeiture of his or her share or shares, and of all previous payment thereon for the use of the company; and the books of subscription for the stock of the said corporation, shall be opened at such time and place, and remain open in the said county of Burlington, as long as the directors shall appoint; notice being given previous thereto, for two weeks, in a newspaper printed in said county, and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

4. *And be it enacted*, That the said company is hereby au-



thorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, and to use the same for agricultural purposes, or in any other lawful way the said corporation may deem necessary and advisable. May let, lease and sell land and real estate.

5. *And be it enacted*, That a majority of the directors for the time being, shall form a board for the transaction of the business of the said corporation; and shall have full power to make such by-laws, ordinances and regulations as they shall deem necessary and convenient for the management or disposition of the stock, effects and concerns of said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state. May make by-laws. Proviso.

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct. Failure to elect directors not to dissolve

7. *And be it enacted*, That the legislature may at any time amend, alter or repeal this act. Act may be repealed.

8. *And be it enacted*, That this act shall continue in force for thirty years, and that it shall take effect immediately. Limitation.

Approved February 29, 1872.

## CHAPTER XCIX.

A Supplement to an act entitled "An Act to set off a part of the township of Tewksbury, in the county of Hunterdon, and annex the same to the township of Clinton, in said county," approved March twenty-ninth, eighteen hundred and seventy-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the following shall be hereafter taken and considered as the established line between the Township line

townships of Clinton and Tewksbury, in the county of Hunterdon: beginning at that point in the division line between the townships of Clinton and Tewksbury and High Bridge, where the division line between the township last named intersects the division line first above named; and running thence in a southeasterly direction to a point in the middle of the great road leading from James Ramsey's residence to the residence of Morris E. Alpaugh, which point is directly opposite the northeastern corner of the dwelling house of William Alpaugh, leaving said Alpaugh in the township of Clinton; thence in a direct line a southeasterly direction to the middle of the arch bridge over Cold Brook, in a line between the townships of Tewksbury and Readington.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 29, 1872.

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### CHAPTER C.

An Act to repeal an act entitled "An Act to authorize the inhabitants of the township of Acquackanonk, in the county of Passaic, to raise poll tax," approved the twenty-eighth day of March, eighteen hundred and sixty-five.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act entitled "An Act to authorize the inhabitants of the township of Acquackanonk, in the county of Passaic, to raise poll tax," approved the twenty-eighth day of March, eighteen hundred and sixty-five, be and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 29, 1872.

## CHAPTER CI.

An Act to amend the act entitled "An Act to incorporate the Englewood Horse Railway Company," approved April sixth, one thousand eight hundred and sixty-six, and to change the name of said road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the "Act to incorporate the Englewood Horse Railway Company," approved April sixth, eighteen hundred and sixty-six, be, and the same is hereby amended so as to read as follows: "*And be it enacted*, That said company be, and hereby is authorized to enter on, survey, lay out, construct and operate a railroad to commence at some point in Bergen county at the northerly boundary line of this state upon or near the elevated ridge of land known as the Palisades, and running thence southerly along the said ridge, crossing Palisades avenue in Englewood near Summit street, and thence southerly by any practicable route through Bergen and Hudson counties to the Hudson river, with the right to connect with or become consolidated, in fact and in law, with any other railroad or railroad company in the said counties of Bergen and Hudson, or either of them, in the manner provided by the eighteenth section of said act."

2. *And be it enacted*, That the words "fourth day of July, eighteen hundred and seventy-three," at the beginning of the twenty-fourth section of said act be altered and amended so as to read as follows: "fourth day of July, eighteen hundred and seventy-five."

3. *And be it enacted*, That the name and title of the said Englewood Horse Railway Company be, and the same is hereby changed to "The Palisades Railroad Company," and that this act shall take effect immediately.

Approved February 29, 1872.

## CHAPTER CII.

## An Act to incorporate the Freehold Cranberry and Land Improvement Company.

**Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Patterson, William B. Sutphin, William H. Conover, senior, John H. Patterson, William M. Smith, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Freehold Cranberry and Land Improvement Company," for the purpose of buying, holding, cultivating and improving lands in Monmouth and Ocean counties, and for the raising and selling of cranberries and other fruits, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings, and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements, hereditaments, cranberries, produce and fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own, and adjoining and contiguous lands, as they deem for the benefit of said lands, doing no unnecessary damage, and subject to such compensation to be made therefor, as is hereinafter directed.

**Name and powers.**

**Proceedings in case company and owners cannot agree.**

2. *And be it enacted*, That if the said company, or their agents, cannot agree with the owner or owners of such required lands, for the use thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, then one of the judges of the court of common pleas, in and for the county of Monmouth, shall, on application of either party, nominate and appoint three disinterested persons, to examine such lands and estimate the damage sustained thereby, who shall, at the same time, take into consideration all the benefits which the said owner or owners may derive from or in consideration of said improvement, and who shall, after at least ten days' notice to the par-

ties, of the time and place where they will be heard in relation to the matter, proceed, without delay, to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county of Monmouth : and whenever such report shall be confirmed by the court aforesaid, the said company shall, within two months thereafter, pay to the said owner or owners, or such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the damages sustained ; and thereupon the said company shall be discharged from all such claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the lands are taken or the damages sustained.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors ; and the said corporation may issue stock in payment therefor, and the books of subscription for stock shall be opened in the town of Freehold, in the county of Monmouth, at such time and place as the directors may designate, under their directions, or that of such person or persons as a majority of them may select. Amount of capital stock.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the power of the board, and they shall hold their office for one year, and until others shall be elected in their places, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such time and places, in this state, or elsewhere, as the by-laws may provide ; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors. Board of directors.

5. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to carry out the purposes of this act, and to secure the payment thereof, with interest, by bond and mortgage, or otherwise, on the property, franchises and privileges belonging to the said corporation. MAY borrow money.

6. *And be it enacted*, That the said corporation may be How dissolved

Proviso.

dissolved by a general meeting of the stockholders especially called for that purpose; *provided*, that at least three-fourths in value of the holders of the capital stock shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such person or persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock.

Stock, how transferable.

7. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 29, 1872.

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### CHAPTER CIII.

An Act to confirm a deed of conveyance made by George B. Stothoff, Charles Bartles, Thomas C. Haward, Peter W. Burk, Peter I. Nevius, and Richard Emmons, trustees of the First Presbyterian Church at Flemington, to William P. Emery.

Preamble.

WHEREAS, George B. Stothoff, Charles Bartles, Thomas C. Haward, Peter W. Burk, Peter I. Nevius and Richard Emmons, trustees of the First Presbyterian Church at Flemington, did, by their certain deed of conveyance, duly executed under their hands and seals, bearing date the eleventh day of October, in the year of our Lord, one thousand eight hundred and seventy-one, grant, bargain, sell, alien, release, convey and confirm to the said William P. Emery, his heirs and assigns forever, all that certain session room, lot or parcel of land and premises, situate in the village of Flemington, in the county of Hunterdon, and state of New Jersey, on the southerly side of Union

street, and in the said deed of conveyance, particularly described by metes and bounds, which said deed of conveyance is recorded in the clerk's office of the county of Hunterdon, in volume one hundred and forty-nine of the record of deeds for the said county, page four hundred and ninety-eight, and so forth; and whereas, there are doubts as to the validity of said deed, and the right and power of the above named trustees of the First Presbyterian Church at Flemington, so to make conveyance of, and sell the said lot of land and premises; for remedy whereof,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance be, and the same is hereby in all things confirmed as valid and effectual in law, and shall be deemed and taken to convey to, and vest in the said William P. Emery, his heirs and assigns, an estate of inheritance, in fee simple, of, in and to the said lot of land and premises forever; and that the said deed of conveyance, or the record thereof, shall be received in all courts of law and equity, as full and complete evidence thereof. Deed declared valid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 29, 1872.

## CHAPTER CIV.

An Act to incorporate the New Jersey Chemical Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William E. Lafferty, Henry C. Gibson, Thomas B. Watson, Peter L. Voorhees, their associates and successors be, and they are hereby created and declared to be a body corporate and politic in law and in fact, by the name of "The New Jersey Chemical Com-pany," and as such shall have perpetual succession, and all Corporators. Name.

the franchises, and privileges belonging to or incident to a corporation.

Amount of  
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which said capital stock shall be personal property, and be transferable on the books of the corporation.

Commission-  
ers to receive  
subscriptions.

3. *And be it enacted*, That the above named corporators or a majority of them shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such time and place as they may direct; and at the time of subscribing for said stock such amount on each share subscribed for shall be paid, satisfied, or satisfactorily secured to said commissioners as they or a majority of them may direct, and the residue of the subscription shall be paid, satisfied or secured as the directors of the said corporation when elected shall from time to time direct, giving notice of such time and place in a newspaper printed and published at the city of Camden, for two weeks, at least once in each week; and upon the failure of any person or persons to pay, satisfy or secure the payment of such installment or installments or any of them, the directors shall be empowered, to forfeit the share or shares of each and every person so failing, or any of them, to and for the use and benefit of said corporation; and any share or shares of stock forfeited as aforesaid, may be held by the said corporation or any person or persons for its benefit, and may at any time be sold and disposed of for the benefit of the corporation, as said directors may determine, or may be divided proportionally among the remaining stockholders, to be by them held and enjoyed, or sold and transferred, with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed.

Election of di-  
rectors.

4. *And be it enacted*, That whenever fifty thousand dollars of the capital stock aforesaid, shall have been subscribed, said commissioners or a majority of them shall, as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place in the state of New Jersey as said commissioners may designate, to choose not less than three nor more than five directors, who shall hold their office for one year, and until others are duly elected, and at such meeting of stockholders convened as aforesaid, said stockholders shall



prescribe the time and place for holding the annual election, and the number of directors of said corporation, which time and place and number of directors of said corporation, shall not be changed except at an annual election of said corporation; and the directors chosen at such meeting, or at the annual election of said corporation shall, as soon as may be after their election, choose from their number a president of said corporation, who shall hold his office for one year, and until his successor is duly appointed; and in case of the death, resignation, or other incapacity of the president or any director, the vacancy thereby created in the board of directors may be filled by the stockholders, at a meeting properly convened for the remainder of the then current year.

Vacancy, how filled.

5. *And be it enacted*, That at all elections by stockholders for directors of said corporation, and at all meetings of stockholders, and upon all questions submitted to them, each stockholder shall cast one vote for each and every share of stock standing upon the books of said corporation, in his or her name, which vote may be cast either by said stockholder in person or by proxy.

Stockholders entitled to vote.

6. *And be it enacted*, That the board of directors of said corporation shall have power to make and adopt a common seal for said corporation, and the same to alter at pleasure; to appoint a treasurer, secretary and such other officers, agents, clerks, servants and employees of said corporation as they may deem necessary, and to prescribe and regulate their duties, salaries and compensation; to prescribe the form of and to issue or authorize to be issued such promissory notes, bills of exchange and business paper of said corporation as they may determine, to borrow such sums of money as they may from time to time deem advisable, for the purpose of said corporation, and to pledge the property, franchises and credit of said corporation for the payment thereof, or to issue the promissory notes or bonds of said corporation therefor, and to secure the payment of said promissory notes or bonds, either by mortgages on the franchises and real or personal property of the said corporation, wheresoever situate, or in such other way as the said directors may see fit; to make such by-laws, rules and regulations for the issuing and transfer of the stock, and for the government of the said corporation, its officers, clerks, agents and employees, as said directors may determine, and generally to direct, control and

May borrow money and issue notes or bonds.

manage the business and affairs of said corporation in such manner consistently with the provisions of this act as they may think proper.

Principal of-  
fice, and busi-  
ness.

7. *And be it enacted*, That the principal place of business and chief manufacturing establishments of the said corporation shall be located in the city of Camden, or in the county of Camden; and that said corporation shall be and they are hereby authorized to engage in the manufacture and sale of all kinds of chemical super phosphates and fertilizers, and to purchase, sell, mortgage, hold, use, lease, occupy, possess and enjoy such real or personal property, tools, engines, machinery, fixtures and materials, in this or in any other state or territory, as may be necessary or needful for the proper management or conduct of said business, to purchase, hire, build or construct, such and so many vessels, boats or barges, as may be necessary or useful in carrying on the business of said corporation, and to erect and build such wharves, houses, buildings, structures, shops, engines and machinery, as said corporation may require for the transaction of its business; and said corporation shall be assessed and taxed upon the full and actual value of all their real and personal property only, and not upon the amount of the capital stock paid in; and said corporation shall be entitled to all deductions for and in respect to debts owing by them, in the same way and to the same extent as natural persons now are or hereafter may be under the laws of this state; *provided*, that said corporation shall not be assessed and taxed in this state, for or by reason of, or on account of any interest, in any real or personal estate, situate in any other state or territory, and taxed therein.

Property, how  
taxed.

Proviso.

Statement to  
be made.

8. *And be it enacted*, That the directors of said corporation shall submit to the stockholders thereof, at their annual meeting, a statement, in writing, of the condition and affairs of said corporation; and said directors shall divide the net profits of the business of said corporation, or so much thereof as said directors may see fit, among the stockholders, in proportion to the amount of stock held by them respectively, at such time and in such manner as said directors shall determine.

Real or per-  
sonal property  
may be re-  
ceived for sub-  
scriptions.

9. *And be it enacted*, That any real or personal property, or any materials, engines or machinery, that may be received in payment for any subscriptions for the stock of said cor-

poration, shall be taken at a valuation, to be approved by the directors of the said corporation.

10. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable. <sup>(General powers.)</sup>

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 29, 1872.

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## CHAPTER CV.

An Act to incorporate the town of Absecom, out of parts of Galloway and Egg Harbor townships, in the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of Galloway and Egg Harbor townships, in the county of Atlantic, contained within the following limits, to wit: beginning at the bay or sounds in the township of Egg Harbor, in a line with the north line of lands of Mark Reed, and the south line of Joab Chamberlin's land; thence following the course of said lines in their several courses to where it intersects with the shore road; thence along said road to the road leading from Jonathan Babcock's to Absalom Doughty's mill; thence along said road to where it intersects the road leading from Pleasantville to said mill; thence in a northwest course to a stake which stands in a southwest course from where the road leading from Absecom to Egg Harbor City crosses Clem's branch; thence northeast to a stake which stands in a west course from the line running between the lands of Daniel Steelman and Ezra Conover; thence following the course of said line to a stake at the upland and meadow edge; thence southeast to the bay or sounds; thence along said bay or sounds, fol- <sup>Boundaries.</sup>

lowing the several courses to the place of beginning, be and the same is hereby formed into a town corporate, to be designated and known as the town of Absecom; all the inhabitants within said limits shall be and they are hereby constituted a body politic and corporate in law, by the name of the town of Absecom.

Rights and  
privileges.

2. *And be it enacted*, That the said corporation in addition to the rights, privileges and immunities granted, and the duties and obligations imposed by this act, shall be entitled to all the rights and privileges and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Officers.

3. *And be it enacted*, That the officers of said town shall consist of six councilmen, a town clerk, who shall be the clerk of elections, one assessor, a collector of taxes, who shall be treasurer; also one overseer of the streets and highways, one judge of elections, one constable, one justice of the peace, one overseer of the poor, one pound keeper, one chosen freeholder, three commissioners of appeal in cases of taxation, one surveyor of highways, all of which officers shall hold their offices for one year, except councilmen and justice of the peace, who shall serve three years; but on the first election two councilmen shall be elected for one year, two for two years, and two for three years; and in the following town meetings thereafter there shall be elected two council-

Compensation

men to serve three years each; the councilmen shall receive no salary for their services; the town clerk shall receive the sum of fifty dollars per annum; the overseer of streets and highways shall receive the sum of one dollar and fifty cents per day for each day's actual service rendered to the town, and all other officers shall be entitled to the same fees as the officers in townships now receive; all of said officers except councilmen and justice of the peace shall be elected annually, by ballot, on the second Wednesday in March, in the same manner as township officers are now elected; the election to be held and conducted by the judges of election and the clerk, in the same manner and under the same regulations as prescribed by law for the election of members of the legislature; and the return of all elections of town officers shall be stated and signed by the judge thereof and attested by the clerk, and within forty-eight hours after the closing of

Electl. n.

the polls, filed in the office of the town clerk, who shall, within five days thereafter, also file a true copy of said return in the office of the clerk of the county.

4. *And be it enacted*, That every person who would, by the laws of this state, be entitled to vote in said town at an election for members of the legislature, if held on that day, shall be entitled to vote at the town election above designated, and the person or persons receiving a plurality of votes of those given in the town for any town office at such an election, shall be deemed elected for the office designated, and the judges shall in the said return designate who are elected to the several offices to be filled at such election. Who entitled to vote.

5. *And be it enacted*, That the following persons, viz., Felix Leeds, Absalom Doughty, Garret Demille act as judges, and Peter T. Frambes clerk of the first election, and that all future elections to be held for county, state and town officers within said town, shall be held by the judges, collector and assessor and clerk of said town provided for by this act, or in the absence, disqualification, or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases. Election officers.

6. *And be it enacted*, That the place at which all elections shall be held shall be designated by the councilmen herein provided for, excepting the first election under this act, which shall be held in Walter's Hall, in said town of Absecom, and all elections shall be published by the clerk of the town in three of the most public places of the town at least ten days prior to any such election. Time and place of holding elections.

7. *And be it enacted*, That the said corporation shall and may have power by the title of the town of Absecom, to sue and be sued, answer and defend, plead and be impleaded unto, in any of the courts of this state, and may have a common seal, alterable at pleasure. Powers.

8. *And be it enacted*, That the legislative power of said corporation shall be vested in the councilmen, who shall, also for the purposes of this act, do and perform the duties, and be invested with the power and authority of the township committees of the townships of this state, in all cases wherein the exercise of such powers and duties shall be required in said town, and said councilmen shall annually elect one of their number to be chairman, and in his absence a chairman for the time being; appoint their time and places of meeting, determine the rules of their own proceedings, keep a journal Councilmen.

of their proceedings, and shall have power and authority to pass ordinances, and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for the carrying out of the provisions of this act, and shall have power and authority to fill any vacancy that may occur in their number, either from removal or death, or resignation, until others be elected in their places.

Officers t  
give bou

9. *And be it enacted*, That the councilmen may, in addition to the official bonds now required from officers elected at township meetings, require such other bonds for the faithful performance of the trusts and duties of any officers elected by virtue of this act, as said council shall deem expedient, and no officer elected under this act shall enter upon the discharge of his duties unless within ten days after his election he take and subscribe before the town clerk an oath or affirmation, faithfully and impartially to execute the trusts imposed in him; which oath the said clerk is hereby authorized and empowered to administer, and shall keep all such oaths and affirmations on file in his office, and the clerk himself shall make a like oath or affirmation before some justice of the peace in said county, which shall by the councilmen be filed in the office of the clerk of the county of Atlantic.

Treasurer.

10. *And be it enacted*, That the treasurer shall receive all moneys collected by said corporation, and shall pay out the same only upon warrants from the councilmen, signed by their chairman, and countersigned by the town clerk, except for payments of bonds of the town, and money paid into the treasury, for the redemption of taxes and assessments, and no warrants on the treasurer shall be so drawn, except in pursuance of an order of the councilmen passed at a stated meeting, and entered on the minutes; all such warrants shall be made and numbered, payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Town clerk.

11. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act, or any other act of this state, have charge of all the records, books and documents of the town, except when the councilmen shall otherwise direct, he shall keep a record of the proceedings of the councilmen; he shall engross all the ordinances and resolutions of the councilmen in the books to be provided for that

purpose, with proper indices, for which service he shall be not entitled to receive any extra pay or additional pay, said books shall be deemed a public record of such ordinances and resolutions and shall be signed by the chairman, or acting chairman, of the council and said clerk; copies of all papers duly filed in his office and transcript thereof, and of the records and proceedings of the councilmen, and copies of the law or ordinances of said town, certified by him under the corporate seal, shall be evidence in all courts and places.

12. *And be it enacted*, That the official term of the several Term of office. persons who shall be elected in pursuance of this act, shall commence on the last Monday of March after their election, and shall continue in office the time for which they were elected.

13. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question to which issue or investigation the town of Absecom is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant, freeholder or freeman of said town. No person incompetent as witness or juror.

14. *And be it enacted*, That the councilmen shall, at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatsoever, together with the different sources of revenue; and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town. Statement of receipts and expenditures to be published.

15. *And be it enacted*, That all taxes for the purpose of the town shall be assessed by the assessor who shall be elected in pursuance of this act, upon all the property, both personal and real, situated in the corporate limits of said town, in the manner and within the time directed by the laws of this state for assessing township, county and state taxes, and no property whatsoever, situated within the bounds of said town, shall be exempt from taxation, excepting only such property as may be held or owned by said town of Absecom in corporate capacity, and all churches and school houses and church and school property in said town. Assessment of taxes. No property exempt.

16. *And be it enacted*, That the assessor authorized to be elected by this act shall have the like vote which the assessors County board of assessors.

of townships may have by the laws of this state in the county board of assessors.

Opening, laying out, &c., of streets, roads or avenues.

17. *And be it enacted*, That on the application, in writing, of ten freeholders of the town asking for the opening, laying out, widening, altering, grading, graveling or guttering any street, road or avenue in said town, or any part thereof, it shall be lawful for the board of councilmen, by resolution, to direct the surveyor of highways to make survey of such road, and file the same, together with a map and estimate of the probable cost of such road, with the town clerk, within thirty days from the date of such order; the clerk thereupon shall issue notice, by five notices put up in conspicuous public places in said town, at least ten days previous, calling a town meeting for the purpose of passing upon such application or applications, and if a majority of the legal voters present at such town meeting, shall sanction the opening, laying out, widening, altering, grading, graveling or guttering any street, road or avenue in said town, or any part thereof, the same shall be passed by the councilmen at their next meeting.

Costs and expenses to be assessed.

18. *And be it enacted*, That all expenses and costs of the proceedings for improvements in laying out, opening, altering, widening, grading, altering the grade, or refilling, guttering streets, roads and avenues, and repairing the same, shall be taxed and assessed to the whole town of Absecon.

Expenses to be paid by applicant if rejected by town meeting.

19. *And be it enacted*, That if the application for opening, laying out, altering, widening, filling up, grading, altering the grade or guttering of any street, road or avenue in said town be rejected by the town meeting, called for the purpose of acting upon such applications, then the said expenses shall be paid by the persons applying for the same, and if remaining unpaid after twenty days after the rejection of said application, the same shall be entered as a lien against the property of such applicant.

Authority to raise money for town purposes.

20. *And be it enacted*, That the legal voters of said town shall have power and authority in their annual meetings in each year to raise by plurality of votes such sum or sums as they may think proper and necessary for the support and maintenance of the poor of said town, for the support of common schools, for the making and repairing of roads and highways, and for an amount requisite for all other town purposes, which said sums, when assessed and collected, shall be applied by said councilmen to the purposes designated by the



people of such town meeting, nor shall any part of the same be used or applied to any other purposes whatsoever.

21. *And be it enacted*, That the said town of Absecom shall constitute one school district, to be governed by the general school law of this state in regard to schools; and it shall be lawful for a two-third majority of the lawful and legal voters present, at any meeting called by the trustees for the purpose, by putting up in five of the most public places in said district, notices of such meeting, to authorize the trustees of said district to raise money to purchase a site for school house, and to build a school house thereon for the use of said district, the amount so ordered to be assessed and collected as other taxes are assessed and collected in said town; and it shall be lawful for said trustees to issue bonds of the said district for the amount so ordered to be raised, and to borrow money on said bonds, the interest in no case to exceed lawful interest.

Constituted  
one school dis-  
trict.

Trustees to  
issue bonds.

22. *And be it enacted*, That it shall be lawful for the said corporation hereby created, to purchase or lease such real or personal property as they may deem necessary and proper for the purpose of said town, and the same or any part thereof to lease, mortgage, sell, or otherwise dispose of as to them may seem proper.

May purchase  
and lease pro-  
perty, &c.

23. *And be it enacted*, That the several parts of said town, as hereby created, shall be liable for the payment of their proportion of the indebtedness of the township from which the same is created by this act, which indebtedness is now outstanding.

Town liable  
for indebted-  
ness.

24. *And be it enacted*, That the councilmen of the town of Absecom and the township committees of Egg Harbor and Galloway townships, be and they are hereby empowered to meet on the second Monday in April next, at Walter's Hall, in Absecom, in late the township of Galloway, at the hour of nine o'clock in the forenoon of that day, and then and there proceed ratably to impose, divide and apportion the liabilities, funds, revenues and estates of said townships hereby divided between the said town of Absecom and the residue of the townships of Egg Harbor and Galloway, in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last annual assessment; and the inhabitants of the town of Absecom shall be liable to pay their just proportion of the debts as ordered and directed at the last annual town meetings of Egg Harbor and

Councilmen  
and township  
committees to  
meet to divide  
funds, &c.

Galloway townships; and should any such committee or members thereof fail to attend, then a majority may proceed to make such division and apportionment, setting forth the same in writing for publication in the first subsequent annual report of said town and townships, and such convention of committees or members thereof shall have power to adjourn from day to day until the completion of said division be made, and their decision, or a majority of them, shall be conclusive and final, and the passage of this act shall be sufficient notice of the time and place of such meeting.

25. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act, and that this act shall be deemed a public act, and shall take effect immediately.

Approved February 29, 1872.

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## CHAPTER CVI.

A Further Supplement to an act entitled "An Act to set off from the town of Bergen a new township, to be called the township of Greenville," approved March eighteenth, eighteen hundred and sixty-three.

Preamble. WHEREAS, the legal voters of the said township of Greenville, at the last annual spring election, voted to raise by taxation the sum of three thousand nine hundred and eighty-five dollars, for the use of the public school in said township; and whereas, the assessor neglected to assess the said sum, whereby the said school was in danger of being closed, to prevent which the legal voters in said township, in pursuance of notice legally given, did on the twenty-third day of December, eighteen hundred and seventy-one, assemble, and by vote, appropriate the said sum of three thousand nine hundred and eighty-five dollars, and by resolution authorize the board of education to borrow the said sum; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of said inhabitants

at the special meeting held on the twenty-third day of December, eighteen hundred and seventy-one, be and the same is hereby ratified and legalized, and that the said sum so appropriated, together with interest thereon, and all necessary expenses shall, in addition to what may be appropriated by the vote of said inhabitants, at the next annual spring election be included in the next tax levy, and be assessed and collected in the same manner as other taxes are assessed and collected.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 29, 1872.

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## CHAPTER CVII.

A Supplement to an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey West Line Railroad Company are hereby authorized and empowered to extend their railroad from its proposed terminus in Essex county, as now authorized, to some point in line with the most easterly exterior line for solid filling, established in the Hudson river by the act of eighteen hundred and sixty-nine, commonly known as the Riparian Commission act.

2. *And be it enacted*, That it shall and may be lawful for the said company to build connecting lines, or branches, from some point on their road near the borough of Clinton, in the county of Hunterdon, and from any other convenient point or points in said county, or any county through which their road may pass, except the counties of Morris, Essex and Hudson, connecting in Warren county at or below the town of Phillipsburg or in any counties through which their road may pass, or counties adjoining the same, with any railroad now built or hereafter to be built; *provided*, that no point

Proviso.

on such connecting lines or branches shall be distant more than ten miles on a direct line from the nearest point of the main line; and said company are also authorized to make such changes in their main line as may be deemed advisable to secure the shortest practicable line between the termini of said road.

May purchase  
and hold real  
estate.

3. *And be it enacted*, That the said railroad company may have and hold such real estate at any points along the line of said road where the directors may think proper to establish depots, and at or near either termini of their railroad as the said directors may think proper or necessary for the purposes therein mentioned; and may erect and build thereon houses, warehouses, machine shops, wharves, piers, slips, and such other buildings and improvements as they may deem expedient for the transshipment of coal, the handling and storing of freight, the convenience of passengers, the construction, manufacture or maintenance of locomotives, cars and other articles used in the operation and maintenance of their road; and also to have and hold whatever wharves, docks, piers, land or lots, steamboats, sailing vessels, and such other facilities in the city of New York, or elsewhere, as may be necessary for their business, and to take and receive all rents, profits and emoluments thereof.

May build  
piers, bridges,  
&c.

Proviso.

4. *And be it enacted*, That it shall be lawful for the said company to erect, build and maintain over such rivers, creeks and streams as the said road, or its branches may cross, such piers, bridges, and other structures as they may deem necessary for the full enjoyment of the privileges and powers conferred by this act; *provided*, that said company whenever it shall become necessary to cross any navigable river or stream with their road, or any branch thereof, shall construct and maintain a bridge or bridges, with suitable and sufficient pivot draws, so as not unnecessarily to impede the navigation thereof; said draws or bridges to have two openings each of no less width than the Newark and New York Railroad's widest opening in any railroad bridge now built over the same stream, said bridges shall be constructed at right angles with the tide, on suitable stone piers not less than one hundred and fifty feet apart from centre to centre, and said piers not to be less than ten feet above high water mark; the piers forming the draws to be properly protected by piles and planks and other guards to prevent injury to vessels; and said company shall at all times where such streams are navigable, for

the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light on each inner side of said draws, which shall be lighted every evening before it grows dark, and be kept lighted till daylight, and shall keep or cause to be kept a suitable person, or suitable persons, at each of said bridges, to open the draws for the free passage of all vessels with standing masts or pipes; and for each and every wilful neglect to keep such light, and to open the draws when necessary, the said company shall forfeit and pay the sum of fifty dollars, to be recovered with costs in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect; *provided*, that nothing in this Proviso. act contained shall be construed to authorize said company to execute any of the works hereby authorized at any point east of a line, starting from the south side of Morris street, and extending indefinitely to the south, in line with Warren street, in Jersey City, north of a line in line with the south line of the tongue of land contained in the grant made by the state by act in eighteen hundred and sixty seven to the Morris Canal and Banking Company, or to interfere with the gap in the easterly bulkhead on said grant, in said act mentioned, or a passage way thereto, without providing a gap of like width therein, at as eligible a place in said easterly bulkhead as the said gap, and as convenient a passage way thereto and therethrough, as to and through said gap first mentioned: *provided further*, in case said road shall cross any street or Proviso. avenue within the city of Newark or Jersey City, it shall be either above or below the grade, at such distance as shall not interfere with the free and uninterrupted use of said street or avenue.

5. *And be it enacted*, That all the provisions of the act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," and of the several supplements thereto (except so far as the same may be altered or repealed by this act), shall extend and be applicable to said extension, alterations and branches hereby authorized in every respect as if the same had been authorized under the said act to which this is a supplement.

6. *And be it enacted*, That in case the said company or its Proceedings in case company and owners cannot agree. agent or agents cannot agree with the owner or owners of any lands or real estate, which by its original charter, or any of its supplements, it is authorized to hold at its several stations

and depots on the line of the railroad, or any of its branches or extensions, for the purchase of such lands or real estate, or in case it shall become desirable and useful in carrying out the provisions of this act, or of the original charter of said company, or of any of the supplements thereto, to take the lands or materials belonging to any other corporation or corporations, not absolutely necessary to such corporation or corporations, in the exercise of their franchise, all such lands, real estate and materials may be taken and acquired by the said "New Jersey West Line Railroad Company," in the manner and under the restrictions provided in the original charter of said company, and its supplements, for obtaining the land for the route of said railroad, except so far as the provisions of said charter and supplements are altered or repealed by this act.

Proceedings  
in case of ap-  
peal.

7. *And be it enacted*, That in all proceedings hereafter to be taken under said act, or any of its supplements or this act, for the acquisition of lands, real estate or materials, the application for the appointment of commissioners to assess the price or value of such land or materials, and all damages sustained shall be made to a justice of the supreme court of this state, who shall perform all the duties which by said original charter and its supplements are directed to be performed by a judge of the inferior court of common pleas of the county in which the land shall lie, and any appeal from the decision of commissioners so appointed shall be to the circuit court of the county in which such lands lie, and such appeal shall vest in the said circuit court the same rights and powers in all respects that are by said original act, or any of its supplements, vested in the inferior courts of common pleas, and all payments which by said act, or any of its supplements, are directed to be made into the court of common pleas or to the clerk thereof, shall hereafter be made into the circuit court of the same county, or to the clerk thereof.

Limitation for  
action for  
damages.

8. *And be it enacted*, That all actions in court for damages resulting from the malfeasance, misfeasance, negligence or omission of the said company, its officers or agents, shall be commenced within one year after the cause of action shall arise or accrue, or the persons sustaining such damages shall be forever barred and deprived from prosecuting or maintaining his, her or their action.

Lands under  
water.

9. *And be it enacted*, That any lands of the state under

tide-water, or that have heretofore been under tide-water, which shall happen to come within the location of the route or of the depots, stations, or other works of the company, or shall be needed therefor, shall be paid for by the company to the trustees of the school fund of this state; and the boundaries and price thereof shall be fixed by the riparian commissioners on application for that purpose to them, and shall be paid as aforesaid, prior to any filling or improvement thereon, herein authorized; and on such payment thereof the title to such land shall vest in said company in fee simple, and a deed therefor may be made by said commissioners, governor and attorney-general, in the name and under the great seal of the state. Title vested.

10. *And be it enacted*, That as soon as said railroad, or any part of it, is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath, make a statement to the secretary of state of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half per centum on the costs, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year; and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law, the payment of the one-half of one per centum shall be in lieu of all other taxes, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships. Statement of costs to be made.

11. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts, so far as the

same conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 29, 1872.

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### CHAPTER CIX.

An Act to repeal a supplement to "An Act to incorporate the Freehold and Smithville Turnpike Company."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to "An Act to incorporate the Freehold and Smithville Turnpike Company," which supplement was approved March thirtieth, one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 29, 1872.

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### CHAPTER CX.

An Act to incorporate the Bound Brook and Easton Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ezekiel Montgomery Patterson, William R. Robins, William Patterson, John D. Patterson, S. V. R. Patterson, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "Bound



Brook and Easton Railroad Company," and by that name <sup>Name.</sup> they and their successors and assigns shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by that name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

2. *And be it enacted*, That the capital stock of said com- <sup>Capital stock.</sup> pany shall consist of two million dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

3. *And be it enacted*, That the above named persons, or a <sup>Commission-  
ers to receive  
subscriptions.</sup> majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and at such place or places as they, or a majority of them, may think proper, by giving ten days previous notice in two newspapers published in this state, and at the time of subscribing for said stock five per centum on each share subscribed shall be paid to said commissioners; that whenever there shall be one thousand shares of the said stock subscribed, then said commissioners shall give like notice as above for a meeting of the stockholders to choose nine directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or a majority of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and the moneys paid in to said directors; and the time and place of holding the first meeting of directors shall be fixed by the persons who act as inspectors aforesaid; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a president; and in case of the death, resignation, or the removal of the president or any director, such vacancy or vacancies may be

filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who shall have such power and functions as the by-laws of the corporation will provide.

Election of directors.

4. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election, notice shall be given at least two weeks in a newspaper published in this state; and in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as hereinbefore directed, and the directors for the time shall continue to hold their office until others shall have been chosen in their places.

Powers of directors.

5. *And be it enacted*, That a majority of said directors shall be competent to transact all the business of the corporation, and they shall have power to call in the capital stock of said company by such installments, not to exceed twenty dollars on each share at any one time, and at such times as they may direct; *provided*, that installments shall not be called for at a shorter period than thirty days from each other; and in case of a non-payment of said installments, or any part of them, to forfeit the share or shares upon which such default shall arise, to and for the use of said corporation, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, engineers, superintendents, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Proviso.

Authorized to construct railroad.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out and construct a railroad from some suitable point at or near the village of Bound Brook, in the county of Somerset, to a suitable point on the Delaware river at or within ten miles of Phillipsburg, in the county of

Warren, with the privilege of connecting with any railroad or railroads now or hereafter to be built; the said railroad not to exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents and others in their employ, to enter at all times upon all lands, bridges and waters for the purpose of exploring, leveling, surveying and laying out the route of said railroad, and of locating and of subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the route and location of such road, or the alteration or location shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, its officers, engineers, agents, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided* May enter on lands. *always*, that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out the said road, unless the consent of the owner or owners of such land be had and obtained. Provido.

8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name Proceedings in case company or owners cannot agree.

or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the lands or materials in controversy lie, or the owner resides, commissioners to examine and appraise the land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the said company for such lands or materials and damages aforesaid (the said commissioners taking in consideration the benefits derived by the land owner or owners from said railroad, and assess the land and damages accordingly); which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situated, to remain on record therein, which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of

competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after the demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the other, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by said company.

9. *And be it enacted*, That in case the said company or the owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said cost to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owners thereof being under any legal disability, the same being first paid into the court of chancery.

Proceedings  
in case of ap-  
peal.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient

Bridges to be  
constructed  
and kept in  
repair.

bridges and passages over or under the said railroad where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under the said road.

May borrow  
money and is-  
sue bonds.

Proviso.

May purchase  
equipments.

Rates of trans-  
portation.

Proviso.

11. *And be it enacted*, That the said corporation shall have power to borrow, from time to time, such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings for the uses and objects of the said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, for its use, and to place on any railroad constructed by them under this act, all machinery, engines, cars, wagons, carriages or vehicles and boats for the transportation of persons or any species of property, as they may think fit, reasonable, expedient or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, they shall not charge more than at the rate of eight cents per ton per mile for the transportation of property, and four cents per mile for carrying each passenger on said railroad, and no charge shall be required to be less in the aggregate than ten cents; and that the said railroad or roads, and their appendages, and all the land over which the same shall pass, and all the works and improvements, steam engines, carriages and all other property whatsoever, belonging to said company, at any time or times, are hereby vested in the said company incor-

porated by this act, and their successors and assigns, during the continuance of this act.

13. *And be it enacted*, That the said company may have <sup>May purchase and hold real estate.</sup> and hold such real estate at or near either terminus of their railroad, and at any other points along the line of said road, where the directors may think proper to establish depots, and may erect and build thereon houses, warehouses, machine shops, wharves, slips and such other buildings and improvements as they may deem expedient for the safety of the property, and the construction of carriages, engines and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, that the said company, whenever it may become <sup>Proviso.</sup> necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to unnecessarily impede the navigation thereof.

14. *And be it enacted*, That the said company shall, within <sup>Dividends.</sup> one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper of the net proceeds thereof, and shall in like manner, semi-annually, declare such dividends, and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively.

15. *And be it enacted*, That it shall be lawful for the said <sup>May make contracts.</sup> corporation, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contract.

16. *And be it enacted*, That if any person shall wilfully <sup>Penalty for injuring works.</sup> injure, impair, destroy or obstruct the use of any railroad constructed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending, shall forfeit and pay to the said company three times the amount of damages sustained by means of such injury, to be by them recovered, with costs of suit, in any court having competent jurisdiction, in an action of debt.

**Running cars.** 17. *And be it enacted*, That when any portion of said railroad shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

**Statement to be made.** 18. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of said company shall make, under oath or affirmation, a statement of the amount of the cost of said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

**Proviso.**

**Other corporations may endorse bonds.**

19. *And be it enacted*, That any corporation or corporations under the laws of this state, be, and they are hereby authorized and empowered to endorse the bonds of said company, and to subscribe and take any amount of the capital stock or bonds to be issued by said company; and such corporation or corporations may issue additional stock in payment therefor, and be entitled to all the powers and privileges of stockholders of said company.

**May lease, consolidate and operate.**

20. *And be it enacted*, That the president and directors of said company be, and they are hereby empowered and authorized, if, at any time, they shall deem it the interest of the



company so to do, to lease the said road, or any part thereof, to, or consolidate the same with, the road of any other railroad company in this state, or to lease and operate any railroad in this state, that now is, or hereafter may be, built by the consent of the stockholders, holding or representing a majority of the stock of said road so to be leased; and, in case of any such lease or consolidation, the company operating such leased or consolidated railroads, shall be entitled to all the privileges and franchises of this act, and subject to all the restrictions and liabilities thereof, anything in its charter to the contrary notwithstanding.

21. *And be it enacted*, That the governor, the chancellor, Free passes. the justices of the supreme court, the judges of the court of errors and appeals, and other state officers, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad of said company free of charge.

22. *And be it enacted*, That if the said railroad shall not Limitation. be completed and in use within ten years from the fourth day of July next ensuing, then and in that case this act shall be void.

23. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXI.

An Act for the relief of the African Wesleyan Methodist Episcopal Church, in Trenton, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the African Wesleyan Methodist Episcopal Church, in Trenton, in the county of Mercer, are hereby authorized and empowered to sell, either at public or private sale, such part or parts of Trustees may sell real estate

the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed for the same, by which the whole title of said corporation shall pass to the purchaser, free and clear and absolutely discharged from all trusts whatsoever, upon which the same now is or has heretofore been held.

Proceeds to be  
invested.

2. *And be it enacted*, That the proceeds of the said sale or sales shall be invested by the said trustees, either in the purchase of other real estate for the use of said corporation, or for such other use as the said trustees shall determine.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXII.

An Act for the relief of John D. Hester, of the county of Mercer.

Pension.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay to John D. Hester, of the county of Mercer, who was a soldier in the war of eighteen hundred and twelve, the sum of one hundred dollars a year, to date from the first of January, anno domini one thousand eight hundred and seventy-one, and to continue during his life-time; and that the receipt of the said John D. Hester shall be a sufficient voucher for the treasurer for all moneys paid by virtue of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

## CHAPTER CXIII.

A Supplement to an act entitled "An Act to incorporate the Germania Mutual Savings Institution, of Newark, New Jersey," approved March fourteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the aforesaid institution be so altered as to read "The German Savings Bank, of Newark, New Jersey;" but that no contract or obligation the Germania Mutual Institution may have entered into before the passage of this act, shall lose its effect or legal right on account of the changing the corporate name of said institution. Title changed

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

## CHAPTER CXIV.

An Act to authorize the trustees of the Methodist Episcopal Church of Port Republic to sell and convey certain church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church at Port Republic, or their successors in office, be and the same are hereby authorized and empowered to sell and convey their old church edifice and a part of a certain parsonage lot of land, situate in said Port Republic, in the county of Atlantic, now held by them in trust, as the property, or for the use and benefit of the said society of the Trustees empowered to sell church edifice.

said Methodist Episcopal Church of Port Republic, by virtue of a deed made to them by James B. Johnson, bearing date the third day of October, anno domini eighteen hundred and sixty-eight, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXV.

### An Act to incorporate the Unique Club, of Jersey City.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles H. Daniels, Frederick W. Wright, Thomas D. Harrison, Frank A. Halsey, John B. V. Vreeland, Willard O. Capron, George S. Robbins, William S. L. Jewett, John H. Shrope, George S. Thomas, and the other members of the Unique Club, be and they are hereby declared a body politic and corporate, in fact and in law, by the name and style of "Unique Club, of Jersey City," for the purpose of social intercourse among its members, and providing them the conveniences of a club house.
2. *And be it enacted*, That the said corporation may make such rules and regulations in reference to the admission, conduct and expulsion of members of said club and its management, as it may deem expedient; that all the rights and interest of a member in the property and privileges of the club shall cease with the termination of his membership.
3. *And be it enacted*, That the said corporation by its corporate title of Unique Club, of Jersey City, may purchase, hold, possess and enjoy such real and personal estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure.

Corporators.

Name.

May make  
rules and reg-  
ulations.

May purchase,  
hold and pos-  
sess lands.

4. *And be it enacted*, That the affairs and business of said club shall be managed by such officers and in such way and manner, and subject to such regulations as shall from time to time be agreed upon by said corporation. Affairs, how managed.

5. *And be it enacted*, That all the real and personal property of said club shall be taxed the same as the real and personal property of an individual, and not otherwise. Taxation.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXVI.

Supplement to an act entitled "An Act to incorporate the Bergen City Savings Bank," approved March seventeenth, eighteen hundred and seventy.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the name "The Bergen City Savings Bank," be and the same is changed to that of "The Bergen Savings Bank, of Jersey City," and by the latter name shall have, hold and receive all real and personal estate, and enjoy all rights, possess privileges and immunities, and be subject to the same liabilities as though the name had not been changed. Name changed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

## CHAPTER CXVII.

## An Act to incorporate the New Jersey School of Veterinary Medicine and Surgery.

Corporators.	<p>1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i>, That J. C. Smith, V. S., James B. Coleman, M. D., John Woolverton, M. D., Thomas J. Corson, M. D., Cornelius Shepherd, M. D., W. W. L. Phillips, M. D., P. M. Minster, William S. Vansant, James H. McGuire, William G. Allen, John Briest, and their associates and successors, be and they are hereby declared to be a body politic and corporate in law and in fact, by the name, style and title of "The Trustees of the New Jersey School of Veterinary Medicine and Surgery," and by that name shall have perpetual succession and all the privileges and franchises belonging to or incident to a corporation, with the power to make all by-laws not inconsistent with the constitution and laws of the United States or of this state, for the management of its property and the regulation of its affairs, so far as may be necessary or proper for the use of such school, and immediately connected with the object and purpose thereof, and to do all and every other matter and thing for the purpose of this act which any corporation or body politic lawfully may or can do.</p>
Name.	
Powers of trustees.	<p>2. <i>And be it enacted</i>, That said trustees shall have power to elect such officers as may be necessary for the administration of the affairs of said school, and to enact by-laws for the government, admission and expulsion of members.</p>
Object.	<p>3. <i>And be it enacted</i>, That the object and purpose of this incorporation shall be for the establishment and maintenance of a school for instruction in the science of veterinary medicine and surgery, and to this end full powers are hereby granted to the trustees thereof to order regulate and control the same; to fix and receive the rates of tuition for scholars; to appoint and control the teachers of said school, and to make and alter such by-laws for the regulation of their own body, and the control of the teachers and scholars of said school as they shall deem best; and that the said corporation shall have and possess the right and power of conferring the</p>

usual degrees appropriate to a school of veterinary medicine and surgery to any person who shall have attended a full course of instruction in such science, and who shall possess the proper and requisite literary and moral qualifications for the same.

4. *And be it enacted*, That the board of trustees shall consist of five members, who shall be elected by the corporators and their associates, and the board shall have power from time to time to fill vacancies occurring in the board by death, resignation or otherwise, and shall have power to elect their own officers, a majority of the board shall constitute a quorum for the transaction of business, and the officers shall be elected annually, but in case of failure to elect, the former officers shall hold over until an election shall be had. Board of trustees.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXVIII.

An Act to incorporate the Young Men's Christian Association of Plainfield, New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That C. W. McCutchen, J. D. Spicer, Edward St. Johns, James R. Perrine, H. Otis Newman, James W. Jackson, N. W. Pike, Philip Swain, A. Gilbert, F. S. Brown, C. F. Goddard and Nelson Runyon, their associates and successors, hereby constituted a body corporate by the name of "The Young Men's Christian Association, Corporators.  
Name.  
of Plainfield, New Jersey."

2. *And be it enacted*, That the objects of this incorporation Object.  
shall be the improvement of the spiritual, moral and social condition of young men and other persons by the support and maintenance of systems of lectures, sermons and other services, libraries, reading rooms and social meetings, by the distribution of charities, and by such other means not incon-

sistent with the objects of the association as the board of directors may desire.

Managed by  
directors.

3. *And be it enacted*, That the business affairs and estate of said corporation shall be managed and conducted by a board of directors, to consist of the officers of the association, and seven other members of the association representing various evangelical denominations, each of which said persons constituting said board of directors as aforesaid, shall be a member in good standing of an evangelical church, and that the present board of directors of the Young Men's Christian Association, of Plainfield, New Jersey, shall constitute the first board of directors, to manage and conduct the affairs and estate of the corporation created by this act, and shall hold their offices until the regular annual election of the association, or until others are elected to fill their places.

May make by-  
laws, &c.

4. *And be it enacted*, That the said corporation may adopt such a constitution and by-laws, and the board of directors such by-laws and rules as they may at any time deem best for the regulation of their business, the management of their affairs, the choice, powers and duties of its officers and agents as are not inconsistent with the character of the corporation and the laws of the state.

May change  
and alter con-  
stitution, &c.

5. *And be it enacted*, That the constitution and by-laws of the present Young Men's Christian Association, of Plainfield, New Jersey, and the by-laws and rules of the present board of directors of the same shall be the constitution and by-laws of this corporation, and the by-laws and rules of the board of directors of the said corporation, until said corporation and board of directors may see fit to change and alter the same in the manner and way provided for in said constitution, by-laws and rules.

May change  
officers, &c.

6. *And be it enacted*, That the said corporation may at all times have the power to change and alter the number and nature of the offices for which they shall elect officers, and to change and alter the number of members constituting the board of directors, and the time and places of their annual elections for the same, in accordance with the mode and manner laid down in the constitution of said corporation; *provided*, the said alteration and change be not contrary to the character of the corporation and the laws of this state.

Proviso.

May receive  
and hold real  
and personal  
property.

7. *And be it enacted*, That the body corporate created by this act, shall be capable of taking by purchase, gift, devise or bequest, and holding and conveying any real or personal



estate, moneys or other articles for the uses of said corporation, not exceeding in value seventy-five thousand dollars.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXIX.

An Act to authorize Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey, to borrow money and mortgage and convey certain lands.

WHEREAS, by a certain deed bearing date the first day of <sup>Preamble.</sup> April, in the year eighteen hundred and fifty-three, which deed is recorded in Book M eight of Deeds, for Essex county, on pages eighty-nine and ninety, Simeon Harrison did grant, bargain, sell and convey certain lands in said deed mentioned and described, unto the said "Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey," in trust, nevertheless that the said premises were to be used, occupied, possessed and enjoyed by the said lodge forever thereafter as a place of meeting for said lodge, and the rents, issues and profits arising and accruing from said premises, were to be used, enjoyed, appropriated and applied by the said lodge for the proper and legitimate purposes connected with the objects and charities of said lodge, and to no other purpose whatsoever, except to the relief of the widows and orphans of members of the said lodge; and whereas, the said Simeon Harrison did, by a certain other deed, bearing date the first day of May, in the year eighteen hundred and seventy, which last mentioned deed is recorded in Book W fourteen of Deeds, for Essex county, on pages three hundred and sixty-four, &c., grant, bargain, sell and convey to the said lodge whatever reversionary rights, title and interest he might have in and to said lands and premises; and whereas, it may be desirable for said lodge to mortgage or sell and convey

said lands and premises, or a part thereof, and doubts have been suggested as to the power of said lodge to mortgage or convey said lands and premises divested of and from said uses and trusts without legislative aid; for remedy whereof, and to remove all and any such doubts,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Union Lodge, Number Eleven, of the Free and Accepted Masons, of Orange, New Jersey, be and they are hereby authorized and empowered to grant, bargain, sell and convey the said lands and premises described in said deeds or any part thereof, to any person or persons, and for such consideration, as they may deem proper, and to execute and deliver to the purchaser or purchasers thereof, under their common seal, a good and sufficient deed or deeds therefor, which deed or deeds shall convey to and vest in said purchaser or purchasers, a good and valid title in fee simple to said premises freed and fully discharged of and from said use and trust and all and every use and trust mentioned and set forth in said deed.

May sell and  
convey lands.

May borrow  
money.

2. *And be it enacted*, That the said Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey, be and they are hereby authorized to borrow any sum or sums of money that they may find necessary for the purpose of erecting a building or buildings on the lands and premises conveyed to them as aforesaid and improving the same.

May issue  
bonds.

3. *And be it enacted*, That for the purpose of securing the payment of said loan or loans, the said Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey, are authorized to make and execute in their corporate name to the lender or lenders of said moneys, a bond or bonds, conditioned for the payment of said loan or loans, at such time or times from the date thereof, and in such installments as they may deem proper, and as they may be able to agree upon, with such lender or lenders with interest at the rate of seven per centum per annum, payable half yearly, and may secure the payment of the same by executing a mortgage or mortgages in their corporate name, upon the said lands and premises, or any part thereof, which said bond or bonds shall be a valid and subsisting debt against said Union Lodge of Free and Accepted Masons, of Orange, New Jersey, and which said mortgage or mortgages shall be a valid lien or liens upon said lands and premises freed and

discharged of, and from said use and trust, and all and every use and trust mentioned and set forth in said deed, and of all liability on the part of the mortgagee or mortgagees to see to the application of the money so loaned.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1872.

## CHAPTER CXX.

A Further Supplement to an act entitled "An Act to create from part of the town of Orange, in the county of Essex, a new township to be called the township of East Orange," approved March fourth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of East Orange, <sup>Districts.</sup> in the county of Essex, shall be divided into and shall comprise three districts, to wit: the Ashland district, the Franklin district and the Eastern district; and the Ashland district shall comprise and consist of all the territory contained within the boundaries of school district number thirty-seven, of the county of Essex; the Franklin district shall comprise and consist of all the territory contained within the boundaries of school district number thirty-eight, of the county of Essex; and the Eastern district shall comprise and consist of all the territory contained within the boundaries of school district number thirty six, of the county of Essex; and the boundaries <sup>Boundaries.</sup> of said districts shall be those defined in the incorporation of said school districts; and each of said districts shall constitute and be an election district.

2. *And be it enacted*, That hereafter the township committee of East Orange shall consist of seven persons, two of whom shall be elected by the legal voters of each election district of said township, and one of whom shall be elected by the legal voters of the township at large; that at the next annual election of township officers the legal voters in each <sup>Election and terms of office of township committee.</sup>

district shall elect by ballot one person to serve as a member of the township committee for the term of one year, and one for the term of two years; and the legal voters of the township, voting in their respective districts, shall at the the same time elect one person from the township at large to serve as member for the term of one year; and annually thereafter there shall be elected in and for each district one person to serve as member of the township committee for the term of two years, and in and by the township at large one member for the term of one year.

Act extended.

3. *And be it enacted*, That the provisions of the supplement to an act entitled "An Act to regulate elections," which supplement was approved April twenty-second, eighteen hundred and sixty-eight, shall extend to and be in force in respect to the election districts established by this act and the elections to be held therein; and the present township committee of the township of East Orange, shall appoint the officers of elections and provide places for holding the same within ten days after the passage of this act.

Officers to be elected.

4. *And be it enacted*, That the provisions of an act entitled "An Act relative to commissioners for taking acknowledgments and proofs of deeds," and the several supplements thereto, shall be so construed as to allow to each of the said districts of East Orange two commissioners of deeds; and the legal voters in each of the said districts are hereby authorized to elect two persons to be constables at each annual spring election; and the legal voters of said township are authorized to elect one person to be auditor of accounts.

Powers and duties of township committee.

5. *And be it enacted*, That in addition to the powers and duties already belonging to the township committee of East Orange, the said committee shall have power, and it shall be their duty, by resolution of a majority of their number, to appoint a township overseer of the poor, and overseer of the roads, and to fix and determine their compensation or salaries, and also to settle and determine the compensation or salaries of the township clerk and auditor; to provide at the expense of the township all necessary and proper office-room, places for meetings and elections, furniture and safes for the convenience of public business, and the proper and safe keeping of the records, maps and other property of the township; to employ and compensate detectives or constables, and use such efficient means for maintaining the peace, preventing

crime, and detecting criminals in the township, as they may deem necessary; they shall also provide for the protection and maintenance of the health of the township, and may employ a physician and exercise the powers of a board of health, whenever, in their judgment, circumstances may require them to do so; they are also hereby authorized to abate and remove nuisances from the streets and public places of the said township, including snow and ice upon the sidewalks, and to pass by resolution of a majority of their number all necessary ordinances to declare and define such nuisances, to provide for their abatement and removal, and to fix and prescribe penalties for committing the nuisances so declared and defined; and the said committee are hereby authorized to institute suits for the collection of the penalties so prescribed, with costs of suit, by an action of debt, to be brought in the corporate name of the township, and for the use of the inhabitants thereof, which suits may be brought before any justice of the peace of the county of Essex; and the said township committee are hereby authorized to establish from time to time the lamp district of said township, and to provide lamps and gas fixtures, and to light the streets and public places of said township with gas, and to issue their warrant to the assessor of taxes in said township, directing him to assess upon all persons residing and lands located within such lamp district, such sum as they may determine to be necessary for the purpose of lighting said lamp district, which warrant shall be sufficient authority to said assessor for making said assessment, and the said assessment shall be collected in the same manner, and at the same time, with the other township taxes.

6. *And be it enacted*, That whenever any street or section of a street in the township of East Orange shall be improved by being curbed and macadamized, or paved in pursuance of the authority given in the tenth and eleventh sections of an act entitled "An Act to provide for and regulate street improvements in the township of East Orange, in the county of Essex," approved March thirty-first, eighteen hundred and seventy-one, it shall be lawful for the township committee having ascertained the entire cost of making the improvement as provided in the twelfth section of said act, to make and sign an apportionment of said entire cost upon the lands and among the owners along the lines of the street or section improved pro rata, according to the number of

Cost of improving streets to be assessed on owners of land

Meeting to be  
advertised.

May issue  
bonds.

Duty of the  
assessor.

lineal feet upon the lines of such street or section in the tracts or lots of the several owners respectively; the township committee shall then give notice of a meeting by advertisement inserted in some newspaper circulating in said township at least six days previous to the day of said meeting, at which they will hear the parties interested in said apportionment; at said meeting any owner of any lands embraced in said apportionment may pay into the hands of the committee the sum of money apportioned to the said lands of such owner and be thereby relieved from all liability to future assessment in respect of such improvement; after said meeting it shall be lawful for the township committee to issue the bonds of the inhabitants of the township of East Orange, in the county of Essex, made and executed in the manner provided in the sixteenth section of said act, to an amount sufficient to pay the balance of the cost of such improvement from the proceeds arising from the sale of said bonds; said bonds shall be payable during a period not exceeding ten years from their issue, shall bear interest not exceeding seven per cent. per annum payable semi-annually; shall be exempt from taxation in the hands of the holders of the same, and shall not be sold for less than ninety per cent. of their par value; it shall be the duty of the township committee to apportion the entire amount of the bonds so issued among the owners and upon the lands along the lines of the street or section improved upon the same basis as the original apportionment of cost, excepting therefrom all lands, the owner or owners of which shall have paid his, her or their share of cost as herein before provided; the said apportionment of the amount of bonds shall be delivered to the township clerk, and shall be by him recorded in a book to be kept for that purpose, and such record shall thereafter be competent evidence of such apportionment, and of the amounts assigned to the several tracts of land embraced therein; it shall be the duty of the township clerk each year in the month of May, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year, and to certify the same together with one-tenth of the entire principal of the bonds issued to the assessor of the township, whose duty it shall be to assess the same upon the basis of the apportionment of amount of bonds and upon the property embraced in said apportionment, and the several sums so

from year to year assessed, are hereby made a lien upon the property against which they may be assessed from the time of such assessment, and shall be collectable at the same time, in the same manner and by the same means as the ordinary taxes of the township; and all moneys collected in pursuance of this section are hereby pledged to the payment of the principal and interest of the bonds aforesaid, and shall be used for no other purpose.

7. *And be it enacted*, That in case any sidewalk in the township of East Orange becomes out of repair, it shall be lawful for the township committee to cause written notice to be served upon the owner or occupant of the property in front of which the defective sidewalk shall be, to repair the same; and in case of failure on the part of such owner or occupant to repair said sidewalk within ten days thereafter, the township committee may cause such repairs to be made, and the cost thereof to be assessed upon the property and collected in the manner provided by law for assessing and collecting the cost of building a sidewalk.

Cost of repairing sidewalks to be assessed on property.

8. *And be it enacted*, That whenever any ditch shall have been dug in the township of East Orange, pursuant to the authority given in the sixth section of a supplement to the act creating said township, approved March fourth, eighteen hundred and sixty-eight, and the same shall have become obstructed or out of repair, it shall be lawful for the township committee to direct the overseer of the highways to open and clear out and repair such ditch; and having ascertained the cost of doing the work, the committee may make an assessment of the same upon the owners of any lands benefited thereby, as nearly as may be, in proportion to the benefits; and the sums so assessed shall be included in the tax bills of the parties against whom such assessment shall be made, and collected at the same time with the township taxes; *provided*, that the entire cost of such work shall not exceed one hundred dollars.

Assessment for digging and opening ditches.

Proviso.

9. *And be it enacted*, That it shall be lawful for the township committee to employ some suitable person or persons to survey and lay out upon a map or maps a plan or scheme for the location of streets and avenues, blocks and squares in the township of East Orange, having regard to the nature of the ground, to a system of drainage, and to the existing streets; after the completion of such map or maps, the township committee shall give notice, by advertisement, of a time and place

Maps of the location of streets, &c., to be made.

where said maps will be open for public inspection, and for a period of three months thereafter, at suitable hours to be fixed by the committee, said maps shall remain open to public inspection, at the end of which time the committee shall adopt and confirm the same, with or without alteration, and after the same shall have been so adopted and confirmed it shall not be lawful to open any street in said township by any authority whatever, on any other lines than those designated in such maps.

Repealer.

10. *And be it enacted*, That all acts and parts of acts coming within the purview of this act, and inconsistent with the provisions hereof, be and the same are hereby repealed, so far as the same affect the township of East Orange, in the county of Essex; but in all respects in which this act does not modify or amend existing statutes affecting said township, they shall remain and be in force as heretofore; and this act shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXXI.

A Supplement to an act entitled "An Act to incorporate the Mount Laurel Pursuing and Detective Company, of the township of Evesham, in the county of Burlington," approved April fifth, anno domini one thousand eight hundred and seventy-one.

Detectives  
may have  
power of con-  
stables.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the board of direction may appoint or elect any number not exceeding twenty detectives, and give to each a badge of office, who shall each have the power and authority of a constable, so far as may be necessary to carry out the objects of the company, and may execute warrants for that purpose issued by justices of the peace and aldermen; and shall be liable to all the responsibilities of constables in the exercise of said power and authority; *provided*, that they shall not be liable to the performance of any

Proviso.



services except as directed by the by-laws of this company, nor shall they be entitled to any fees or compensation for their services, except out of the funds of the company, and according to the by-laws or other regulations thereof; and that they shall, before entering upon the duties of their office, respectively, take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States and the constitution of the state of New Jersey, and perform the duties of their office with fidelity.

2. *And be it enacted*, That the fifth and sixth sections of the act to which this is a supplement, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXXII.

An Act to authorize the inhabitants of the township of Holmdel, in the county of Monmouth, to vote by ballot at their town meetings.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to authorize the inhabitants of the township of Atlantic, in the county of Monmouth, to vote by ballot at their town meetings," approved March sixth, eighteen hundred and sixty-six, be and the same are hereby extended and applied to the inhabitants of the township of Holmdel, in the county of Monmouth, so as to secure to the inhabitants of said township of Holmdel the rights and privileges secured to the inhabitants of said township of Atlantic. Act extended,  
and to apply.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXXIII.

- A Further Supplement to the act entitled "An Act to incorporate the Belvidere Delaware Bridge Company," approved March fifth, eighteen hundred and thirty-two.

**Directors.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of directors of the said company shall be reduced to six, as is authorized and provided for by the original act of incorporation, and four directors shall constitute a quorum to do business.

**Notice of election to be published.** 2. *And be it enacted*, That an election of officers of said company may be held in the town of Belvidere, in the county of Warren, and state of New Jersey, two weeks' previous notice of the time and place in said town having been given by publication in one newspaper printed and published in the county of Warren aforesaid, and in one newspaper printed and published in the county of Northampton, in the state of Pennsylvania; and that at such election, and at all future elections, each stockholder shall be entitled to one vote for every share of stock by him or her held, and that the officers elected shall continue in office until the first Monday in November, eighteen hundred and seventy-three, and until others are appointed.

**Repealer.** 3. *And be it enacted*, That so much of the original act of incorporation, and the several supplements thereto, as is incompatible with the provisions of this act, and no more, be and the same is hereby repealed; *provided always*, that this act shall not take effect or go into operation until it is sanctioned or a similar act passed by the legislature of the state of Pennsylvania.

**Proviso.**

Approved March 5, 1872.

## CHAPTER CXXV.

A Supplement to an act entitled "An Act to facilitate the collection of taxes in the township of Waterford, in the county of Camden," approved April fourth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act <sup>Amendment</sup> to which this is a supplement be altered and amended so as to read, "that no land shall be sold by virtue of this act until the township collector for the time being shall have made a return, which return he is hereby authorized to make to the township committee then in office, that the taxes, or any of them, assessed on said lands, either for that or any former year or years, are unpaid, and have by him, or some former collector of said township, been returned as delinquent, and shall verify the same by affidavit attached thereto."

2. *And be it enacted*, That all other parts of said second <sup>Repealer</sup> section of said act to which this is a supplement be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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CHAPTER CXXVI.

An Act to authorize the Trustees of the Methodist Episcopal Church at Mount Holly, in the county of Burlington, to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Trustees of the Methodist

Trustees au-  
thorized to  
sell lot.

Episcopal Church at Mount Holly," in the county of Burlington, or their successors in office, be and they are hereby authorized and empowered to sell and convey a certain lot of ground situate in the said town of Mount Holly, in said county, now held in trust as the property of the said "The Trustees of the Methodist Episcopal Church at Mount Holly," by virtue of a deed made to them, the said "The Trustees," &c., by Barclay White and others, bearing date the twenty-fifth day of March, anno domini eighteen hundred and seventy, and recorded in the clerk's office of said county in book D eight of deeds, page four hundred and twenty-two, &c., and to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers thereof, for the same, and that such deed or deeds of conveyance shall be good and effectual in law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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## CHAPTER CXXVIII.

A Further Supplement to an act entitled "An Act to incorporate the Medford and Camden Railroad Company," approved April second, eighteen hundred and sixty-eight (April 2, 1868).

Extension of  
time for com-  
pletion of road

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the time for the commencement of the construction of the railroad authorized by the act to which this is a supplement, be further extended six years, and the time for the completion of the same eight years, from the fourth of July, eighteen hundred and seventy-one.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXXX.

An Act to confirm to the grantees thereof the title to certain land and premises in the township of Belleville, in the county of Essex, sold and conveyed by the executors of the last will and testament of John Williams, deceased, late of said township.

WHEREAS, John Williams, late of the township of Belleville, <sup>Preamble.</sup> in the county of Essex, in this state, now deceased, did, in his lifetime, duly make, execute and publish, in such manner as to pass the title to real estate in this state, his last will and testament, dated the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and sixty, whereby, after making certain bequests and devises, he did order and direct his executors, and the survivors of them, to sell and convey all his real estate whereof he was then seized, or should be seized at the time of his death, not therein before given and devised, and did give the proceeds of said sale, and of his personal estate not therein before disposed of, to certain persons therein in that behalf mentioned; and whereas, said John Williams, after the death of his daughter, Helen, one of the devisees and legatees in said will mentioned, did, by a certain codicil to said will, dated June ninth, one thousand eight hundred and sixty-two, redispense of the residue of his estate, real and personal, by giving the same to the same persons other than said Helen, to whom by said will the proceeds of the residue of his real and personal estate were given, which said will and codicil were duly admitted to probate by the surrogate of said county of Essex; and whereas, the executors of said last will and testament, Charles J. Williams, John Collard and Hugh Holmes, having duly taken upon themselves the burthen of the execution of said will, did, with the concurrence of the residuary devisees and legatees in said codicil mentioned, sell and convey to certain persons parts of the land and premises devised by the residuary clause in said codicil; and whereas, also, doubts have arisen as to the validity of the conveyances made by said executors for said parts of said

district shall elect by ballot one person to serve as a member of the township committee for the term of one year, and one for the term of two years; and the legal voters of the township, voting in their respective districts, shall at the the same time elect one person from the township at large to serve as member for the term of one year; and annually thereafter there shall be elected in and for each district one person to serve as member of the township committee for the term of two years, and in and by the township at large one member for the term of one year.

Act extended,

3. *And be it enacted*, That the provisions of the supplement to an act entitled "An Act to regulate elections," which supplement was approved April twenty-second, eighteen hundred and sixty-eight, shall extend to and be in force in respect to the election districts established by this act and the elections to be held therein; and the present township committee of the township of East Orange, shall appoint the officers of elections and provide places for holding the same within ten days after the passage of this act.

Officers to be elected.

4. *And be it enacted*, That the provisions of an act entitled "An Act relative to commissioners for taking acknowledgments and proofs of deeds," and the several supplements thereto, shall be so construed as to allow to each of the said districts of East Orange two commissioners of deeds; and the legal voters in each of the said districts are hereby authorized to elect two persons to be constables at each annual spring election; and the legal voters of said township are authorized to elect one person to be auditor of accounts.

Powers and duties of township committee.

5. *And be it enacted*, That in addition to the powers and duties already belonging to the township committee of East Orange, the said committee shall have power, and it shall be their duty, by resolution of a majority of their number, to appoint a township overseer of the poor, and overseer of the roads, and to fix and determine their compensation or salaries, and also to settle and determine the compensation or salaries of the township clerk and auditor; to provide at the expense of the township all necessary and proper office-room, places for meetings and elections, furniture and safes for the convenience of public business, and the proper and safe keeping of the records, maps and other property of the township; to employ and compensate detectives or constables, and use such efficient means for maintaining the peace, preventing

crime, and detecting criminals in the township, as they may deem necessary; they shall also provide for the protection and maintenance of the health of the township, and may employ a physician and exercise the powers of a board of health, whenever, in their judgment, circumstances may require them to do so; they are also hereby authorized to abate and remove nuisances from the streets and public places of the said township, including snow and ice upon the sidewalks, and to pass by resolution of a majority of their number all necessary ordinances to declare and define such nuisances, to provide for their abatement and removal, and to fix and prescribe penalties for committing the nuisances so declared and defined; and the said committee are hereby authorized to institute suits for the collection of the penalties so prescribed, with costs of suit, by an action of debt, to be brought in the corporate name of the township, and for the use of the inhabitants thereof, which suits may be brought before any justice of the peace of the county of Essex; and the said township committee are hereby authorized to establish from time to time the lamp district of said township, and to provide lamps and gas fixtures, and to light the streets and public places of said township with gas, and to issue their warrant to the assessor of taxes in said township, directing him to assess upon all persons residing and lands located within such lamp district, such sum as they may determine to be necessary for the purpose of lighting said lamp district, which warrant shall be sufficient authority to said assessor for making said assessment, and the said assessment shall be collected in the same manner, and at the same time, with the other township taxes.

6. *And be it enacted*, That whenever any street or section of a street in the township of East Orange shall be improved by being curbed and macadamized, or paved in pursuance of the authority given in the tenth and eleventh sections of an act entitled "An Act to provide for and regulate street improvements in the township of East Orange, in the county of Essex," approved March thirty-first, eighteen hundred and seventy-one, it shall be lawful for the township committee having ascertained the entire cost of making the improvement as provided in the twelfth section of said act, to make and sign an apportionment of said entire cost upon the lands and among the owners along the lines of the street or section improved pro rata, according to the number of

Cost of improving streets to be assessed on owners of land

lineal feet upon the lines of such street or section in the tracts or lots of the several owners respectively; the township committee shall then give notice of a meeting by advertisement inserted in some newspaper circulating in said township at least six days previous to the day of said meeting, at which they will hear the parties interested in said apportionment; at said meeting any owner of any lands embraced in said apportionment may pay into the hands of the committee the sum of money apportioned to the said lands of such owner and be thereby relieved from all liability to future assessment in respect of such improvement; after said meeting it shall be lawful for the township committee to issue the bonds of the inhabitants of the township of East Orange, in the county of Essex, made and executed in the manner provided in the sixteenth section of said act, to an amount sufficient to pay the balance of the cost of such improvement from the proceeds arising from the sale of said bonds; said bonds shall be payable during a period not exceeding ten years from their issue, shall bear interest not exceeding seven per cent. per annum payable semi-annually; shall be exempt from taxation in the hands of the holders of the same, and shall not be sold for less than ninety per cent. of their par value; it shall be the duty of the township committee to apportion the entire amount of the bonds so issued among the owners and upon the lands along the lines of the street or section improved upon the same basis as the original apportionment of cost, excepting therefrom all lands, the owner or owners of which shall have paid his, her or their share of cost as herein before provided; the said apportionment of the amount of bonds shall be delivered to the township clerk, and shall be by him recorded in a book to be kept for that purpose, and such record shall thereafter be competent evidence of such apportionment, and of the amounts assigned to the several tracts of land embraced therein; it shall be the duty of the township clerk each year in the month of May, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year, and to certify the same together with one-tenth of the entire principal of the bonds issued to the assessor of the township, whose duty it shall be to assess the same upon the basis of the apportionment of amount of bonds and upon the property embraced in said apportionment, and the several sums so

Meeting to be  
advertised.

May issue  
bonds.

Duty of the  
assessor.



4. *And be it enacted*, That this act shall take effect as soon as the congregations, and also the trustees of the said churches shall, respectively by a majority of votes, accept the same. Act when to take effect.

Approved March 5, 1872.

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## CHAPTER CXXXV.

### An Act to incorporate the New Jersey Iron and Smelting Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ira Hersey, Allen Hay, Stephen D. Harrison, C. D. Van Wagenen, F. W. Allen and John Van Nest, and such other persons as they may associate with them, and their successors, shall be, and are hereby, created a body politic and corporate, in fact and in law, by the name of "The New Jersey Iron and Smelting Works;" that the capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and installments, as the directors of said corporation by their by-laws, or otherwise, may direct; that such payments shall be made either in money or in real or personal property, including patent-rights necessary for the business of said corporation, and in case of payment in real or personal property, including patent-rights, the directors of said corporation may issue in payment thereof the stock of the said corporation upon terms as they may deem best for its interests; that in case of the failure of any stockholder to pay any installment on his or her stock, at the place and within thirty days of the time appointed by said directors for the payment thereof, his or her shares of stock may be sold at public auction to the highest bidder, upon such notice and in such manner as the by-laws of said corporation may prescribe, and the proceeds of such sale may be applied to the payment of any such installments, and each subscriber to the

where said maps will be open for public inspection, and for a period of three months thereafter, at suitable hours to be fixed by the committee, said maps shall remain open to public inspection, at the end of which time the committee shall adopt and confirm the same, with or without alteration, and after the same shall have been so adopted and confirmed it shall not be lawful to open any street in said township by any authority whatever, on any other lines than those designated in such maps.

Repealer.

10. *And be it enacted*, That all acts and parts of acts coming within the purview of this act, and inconsistent with the provisions hereof, be and the same are hereby repealed, so far as the same affect the township of East Orange, in the county of Essex; but in all respects in which this act does not modify or amend existing statutes affecting said township, they shall remain and be in force as heretofore; and this act shall take effect immediately.

Approved March 1, 1872.

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## CHAPTER CXXI.

A Supplement to an act entitled "An Act to incorporate the Mount Laurel Pursuing and Detective Company, of the township of Evesham, in the county of Burlington," approved April fifth, anno domini one thousand eight hundred and seventy-one.

Detectives  
may have  
power of con-  
stables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of direction may appoint or elect any number not exceeding twenty detectives, and give to each a badge of office, who shall each have the power and authority of a constable, so far as may be necessary to carry out the objects of the company, and may execute warrants for that purpose issued by justices of the peace and aldermen; and shall be liable to all the responsibilities of constables in the exercise of said power and authority; *provided*, that they shall not be liable to the performance of any

Proviso.

services except as directed by the by-laws of this company, nor shall they be entitled to any fees or compensation for their services, except out of the funds of the company, and according to the by-laws or other regulations thereof; and that they shall, before entering upon the duties of their office, respectively, take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States and the constitution of the state of New Jersey, and perform the duties of their office with fidelity.

2. *And be it enacted*, That the fifth and sixth sections of the act to which this is a supplement, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 5, 1872.

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## CHAPTER CXXII.

An Act to authorize the inhabitants of the township of Holmdel, in the county of Monmouth, to vote by ballot at their town meetings.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to authorize the inhabitants of the township of Atlantic, in the county of Monmouth, to vote by ballot at their town meetings," approved March sixth, eighteen hundred and sixty-six, be and the same are hereby extended and applied to the inhabitants of the township of Holmdel, in the county of Monmouth, so as to secure to the inhabitants of said township of Holmdel the rights and privileges secured to the inhabitants of said township of Atlantic. Act extended,  
and to apply.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXXXVIII.

A Supplement to an act entitled "An Act to incorporate the Mantua Land and Improvement Company," approved February twenty first, one thousand eight hundred and seventy one.

Preamble.

WHEREAS, by an act entitled "An Act to incorporate the Mantua Land and Improvement Company," the said company, among other things, are authorized to create and use water power for manufacturing purposes, and to erect on the lands of the said company all dams, water way sluices, bridges, and so forth, necessary for the same, and to erect factories, mills and other buildings for manufacturing purposes—therefore,

Increase of capital stock.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said company, by resolution of its board of directors, from time to time, and any time hereafter, may increase the capital stock of said company to any amount not exceeding five hundred thousand dollars (\$500,000), to carry into effect the objects of said company; *provided*, the consent in writing of at least two thirds in interest of said stockholders shall be obtained thereto.

May construct dams, &c.

2. *And be it enacted*, That it shall be lawful for said company, after the sum of ten thousand dollars shall have been subscribed and paid in, on such additional stock hereunto authorized, to construct a dam or dams across both north and south branches of Great Mantua creek, in the county of Gloucester, or either of them, at such points as may be deemed most expedient, to create ponds or reservoirs of water, to construct raceways along the banks of said streams, to construct any lateral raceways de-

necessary, with locks, dams, water ways, sluices, and other works necessary and expedient for the purpose of creating a water power for manufacturing purposes, and build all factories, mills and buildings for manufacturing purposes, and rent the same; and, also, if deemed expedient, to rent out water power and the lands and privileges necessary for the erection of mills, factories and other buildings necessary for manufacturing purposes; and it shall be lawful for said company, by its officers, agents, engineers and surveyors, to enter upon the lands lying along said streams, or either of them, for the purpose of exploring, surveying and locating said dams, raceways and other works, doing no unnecessary damage to private property, and make and determine a survey or surveys of the lands and streams intended to be taken as hereinafter provided; and from time to time to deposit the same as of record in the clerk's office of the county of Gloucester; and when so deposited it shall, from time to time, be lawful for the said company, by its officers, agents, engineers, contractors and workmen, to enter upon and take possession of the lands in and adjacent to said streams, and to make all excavations and embankments, works and structures expedient and necessary to carry into effect the purposes contemplated by this act; *provided*, that in all cases where lands are not purchased or acquired by said company, payment or tender of payment of all damages sustained from the works of said company, to be determined as hereinafter provided, shall be made before the said company shall enter upon or occupy said lands, except for the purpose of surveying the same, as hereinbefore mentioned.

May enter on  
lands.

Provido.

3. *And be it enacted*, That if the said company, or its officers or agents, cannot agree with the owner or owners of such required lands, materials or water right, for the use or purchase thereof, or if by reason of the legal incapacity, or the absence of such owner or owners, no such agreement can be made, a description, as particular as the case will admit, of the land or water, materials or other rights so required for the use of the said company, shall be given, in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupants or owner, if known, to one of the justices of the supreme court, who shall require the said company to give notice of said application to the persons interested, if known and in this state, or if unknown or out of this state, to make

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

publication, as he shall direct, for any term not less than ten days, and the said justice shall appoint a time and place for the appointment of three disinterested commissioners to view said lands, and at the time and place appointed, upon satisfactory evidence of the service or publication of said notice, the said justice shall appoint three disinterested commissioners to appraise the value of said lands and water rights, and the damages which may be sustained by the owner by the taking of the same by said company; and the said commissioners, having first taken an oath, in writing, faithfully and impartially to execute the duties of said appointment, shall, after giving five days' notice to both parties, where said parties reside in this state, view the premises and hear the parties and their evidence, if so desired, and thereupon make such appraisement of the value of said lands or water rights, and of the damages sustained by the owner, as to them shall appear just and proper, and shall transmit such appraisement and award in writing, under their hands, to the clerk of the county of Gloucester, to be by him filed in the office of the clerk of said county of Gloucester, together with the papers relating thereto, there to be kept as a public record; and if either party shall feel aggrieved by the said appraisement and award of the said commissioners, the party so aggrieved may appeal to the circuit court of said county of Gloucester at the next term after said appraisement and award shall be returned as filed as aforesaid, by a proceeding in the form of a petition to said court; and the party appealing shall give to the opposite party five days' notice, in writing, of said appeal, and the filing of such petition in said circuit court shall vest in said court full power to hear and adjudge the same; and if required by either party, the said court shall award a venire for a jury, who shall hear and finally determine said appeal; the said jury shall assess the value of the land, materials and water rights, taken by said company, and all damages sustained, or that may be sustained by the owner, and if said jury shall find a greater sum than was awarded by the commissioners, judgment shall be given therefor against the company, with costs, and execution may be issued thereon; but if the said jury shall be demanded by the owner, and shall find the same sum, or a less sum, than the commissioners awarded, the costs shall be paid by the owner or owners, and shall be deducted out of the sum so found by the jury, or considered a payment thereon,

Proceedings  
in case of ap-  
peal.

or an execution may issue therefor by the order of the court ; and upon payment or tender of payment of the sum so awarded by the commissioners, or found by the said jury, with costs, where costs are adjudged, the said company shall be deemed to be seized in fee simple of all such lands and real estate, or materials and water rights, appraised as aforesaid ; *provided*, that the said company may take possession Proviso. of said lands, or materials and water rights, and use the same for the purposes contemplated by this act, at any time after the appraisement and award of said commissioners, and notwithstanding any appeal therefrom, having first tendered to the owner or owners the amount of said award ; or in case of refusal to receive the same, or in case of any disability on the part of the owner, or in his absence from the state, having paid the same into the circuit court of said county for the use of such owner or owners.

4. *And be it enacted*, That this act shall be deemed a Public act. public act, and shall go into effect immediately ; but it shall be lawful for the legislature, at any time, to alter, modify or repeal the same whenever the public good may require.

Approved March 5, 1872.

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## CHAPTER CXXXIX.

A Supplement to an act entitled " An Act to incorporate the Philadelphia and Camden Bridge Company," approved the ninth day of March, anno domini one thousand eight hundred and sixty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the time limited in the act to which this is a supplement, for the commencement of said bridge, shall be extended to two years from the approval of this act, and the time limited for the completion thereof to four years thereafter, and that said bridge be constructed and located in such manner and at such place as was authorized and approved by the secretary of war, under date of the Time extend-  
ed.

**SPECIAL PUBLIC AND PRIVATE LAWS.**

twenty-third day of March, one thousand eight hundred and seventy-one.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXLI.

**An Act to incorporate the People's Mutual Insurance Com-  
pany.**

**1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,** That Robert Hamilton, David R. Hull, Wm. W. Woodward, John C. Williams, Jacob Hornbeck, Anson R. Rosenkrans, John S. Smith, William W. Cox, Thomas T. Simonson, C. V. Moore, William McDanolds, William Simpson, junior, James B. Huston, Richard E. Edsall, John George, John L. Brown, Christopher B. Van Syckle, Henry M. Freeman, John M. Knight and Samuel H. Hunt, and others, their associates, successors and assigns, shall be, and are hereby ordained, constituted and declared to be a body corporate, by the name of "The People's Mutual Insurance Company;" and by that name shall be in law capable of purchasing, holding and conveying real and personal estate for the use of the said corporation; *provided*, that the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon in which to meet and transact the business of the said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgment or decrees which shall have been obtained for such debts; and with regard to all such lands, tenements and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it shall hold by way of mortgage, and



whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns, the said corporation shall be bound to sell and dispose of the same, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the termination of five years.

2. *And be it enacted*, That all persons who shall insure in or with the said company, while so insured, shall be deemed and taken for members of the said corporation; and that the property, concerns and business of the said corporation shall be conducted and managed by twenty-one directors, all of whom shall be citizens of this state, and shall be chosen by ballot, by and from among the members, to hold their office for one year, and until others are chosen; and that the election for directors shall be held on the first Monday in October, every year, at such place as the majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed in the county of Sussex, at least two weeks previous to the time of holding each election; and if any director shall die, resign or remove from this state, the other directors, or a majority of them, may appoint a director to fill such vacancy until an annual election; and in case it should happen that an election of directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful, on such other day as a majority of the directors may designate, upon like notice as above provided, to hold an election for directors; and until an election of directors shall be held, according to the provisions of this section, the following persons shall be directors, namely: Robert Hamilton, William W. Woodward, John C. Williams, David R. Hull, Jacob Hornbeck, Anson P. Rosenkrans, John S. Smith, William W. Cox, Thomas T. Simonson, C. V. Moore, William McDanolds, William Simpson, junior, James B. Huston, Richard E. Edsall, John George, John L. Brown, Christopher B. Van Syckle, Henry M. Freeman, John M. Knight, Samuel H. Hunt and Jacob L. Lawrence. Election of directors.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure dwelling houses, stores, shops, mills, barns and other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire. First directors

By laws.

4. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules and regulations as to them shall appear needful and proper, not repugnant to the constitution or laws of the United States or of this state; and also shall have power to appoint such officers and agents for carrying on the business of the said corporation, with such allowance and pay as to them shall appear satisfactory, and may require their treasurer to give bond with security for the faithful performance of his duties, in such sum as they deem sufficient.

Officers and agents.

Losses to be assessed on members.

5. *And be it enacted*, That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules and regulations of said corporation; and if at any time it shall so happen that there shall be just claim or claims on the said corporation for losses sustained, the directors for the time being, or a majority of them, shall, with all convenient expedition, proceed to assess an amount sufficient to meet such losses, in a ratable proportion, on the members of the association, or their representatives, according to the amount of each member's insurance; and notice in writing shall be given to each member or his representative, or mailed to them, respectively, directed to their nearest post office, of the assessment and amount by him, her or them to be paid; and each and every member, or his or her representative, so notified, shall pay the same to the treasurer for the time being within thirty days after such notification, and in default thereof shall forfeit all their right and claim to any policy that they may hold from the company, and be no longer members of the association; they shall also be liable to a recovery of the amount of such assessment, by said company, by action of debt, with costs of suit, before any court of competent jurisdiction.

Meeting.

6. *And be it enacted*, That any one or more of the directors, after the passage of this act, shall have power to call a meeting of all the directors named herein, by giving notice in one or more of the newspapers printed in said county, at least ten days before said meeting.

Place of business.

7. *And be it enacted*, That the operations and business of said corporation shall be carried on and conducted at Newton, in the county of Sussex.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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## CHAPTER CXLII.

An Act to confirm a certain deed made by the Right Reverend James F. Wood, executor of the last will and testament of Henry F. Felix, deceased, of lands in Atlantic City, county of Atlantic and State of New Jersey.

WHEREAS, in pursuance of an act of the legislature of the state of Pennsylvania, approved on the eleventh day of April, Anno Domini one thousand eight hundred and sixty-eight, entitled "An Act to authorize and empower the Right Reverend James F. Wood, executor of the last will and testament of Henry F. Felix, late of the city of Reading, to sell certain real estate: and whereas, in pursuance of said act, the said executor, by deed bearing date the sixteenth day of October, anno domini eighteen hundred and sixty-nine, did convey in fee simple certain lands therein mentioned and set forth, situate in said Atlantic city, to one Patrick O'Reilly, which said deed was duly executed and recorded on the third day of November, anno domini eighteen hundred and sixty-nine, in the clerk's office of Atlantic county; and whereas, the said Patrick O'Reilly has since that time sold and conveyed to different persons parts of the said lands; and whereas, doubts have arisen as to the validity of said deed from the said Right Reverend James F. Wood, executor as aforesaid, to the said Patrick O'Reilly;

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed above mentioned, made by the said James F. Wood, executor of the last will and testament of Henry F. Felix, deceased, to said Patrick O'Reilly, shall be and the same is hereby declared to be valid and effectual in law, and the title of the several purchasers

Deed declared valid.

of said lands from the said Patrick O'Reilly, is further declared to be valid and effectual in law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

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### CHAPTER CXLIII.

#### An Act to incorporate the Union Bolt Works.

**Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Harwood, Hiram Emerson and John D. Sargent, and the survivors of them, and such other persons as may be hereafter associated with them, be and they are hereby created a body corporate and politic in fact and in law, by the name of "The Union Bolt Works," **Name and powers.** for the purpose and with the power and authority of carrying on, in the county of Passaic, in this state, the business of manufacturing bolts, spikes, rivets, railroad cars, machinery, and goods and articles of every kind and description of which iron, steel, copper, brass and other metals form a component part, and of buying and selling the same and all other goods and articles necessary and proper to be used in the business authorized by this act, and by the said name shall have continued succession and be capable of purchasing, holding, leasing, mortgaging and conveying any lands or real estate, tenements, goods and chattels necessary or proper for the purposes of the said corporation.

**Capital stock.** 2. *And be it enacted*, That the capital stock of the said company shall be one hundred and fifty thousand dollars, with the privilege to the directors of increasing the same to any amount not exceeding three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, and to take and receive subscriptions for such capital stock, at such time or times and in such manner as they shall deem proper;

and whenever fifty thousand dollars of the said stock has been subscribed for and paid in it shall be lawful for the said company to commence its business; and the persons before named and the directors of said company may receive in payment of subscriptions for stock any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve; and it shall be lawful for the directors of said company to call for and demand from the stockholders thereof, respectively, the amount subscribed by them, at such times and in such proportions as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments made thereon, for the use of the company; and the shares of the said capital stock shall be deemed personal property, and transferable only on the books of the company, in such manner as the board of directors, by their by-laws, shall direct.

Failure to pay  
subscriptions  
to work for-  
feiture.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by a board of directors of not less than three nor more than five in number, being stockholders, one of whom shall be president, and who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in May in every year, at such time and place and upon such notice as the by-laws of said corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock which he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation, as a majority of said directors shall think fit; and if any vacancy, by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said Daniel Harwood, Hiram Emerson and John D. Sargent shall be the first directors of said company, and shall serve as such until the

Election of di-  
rectors.

Vacancy, how  
filled.

First directors

first Monday in May next, and until others are legally chosen.

Failure to  
elect directors  
not to dissolve

4. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation or resolution of the board of directors.

May make by-  
laws.

5. *And be it enacted*, That a majority of the directors at the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management and disposition of the stock, effects and concerns of the said corporation, *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

Proviso.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXLIV.

### An Act to incorporate the Central Land Improvement and Building Company.

Corporators.

Name and  
powers.

Power to pur-  
chase and  
hold real es-  
tate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Dunlop, William Graham and Catholina Lambert, and all such persons as may hereafter be associated with them, their successors and assigns, shall and they are hereby constituted a body corporate and politic in fact and in law, by the name of "The Central Land Improvement and Building Company," and as such shall possess and may exercise all the powers common to all corporations, subject to the limitations prescribed by the laws of this state and this act.

2. *And be it enacted*, That the said corporation may purchase, use, hold, lease, rent, sell and convey, mortgage

dispose of such real and personal estate in this state as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid; and may lay out such land and real estate as they may from time to time have and hold in lots, plots or parcels, and may erect, or cause to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, and may open roads, streets and highways, and otherwise develop and improve the same.

3. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by a board of not less than three nor more than five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, who shall hold their offices respectively for one year and until others are elected; and that the said directors shall be chosen on the first Monday in April, in every year, at such time and place, and upon such notice, as the by-laws of said corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and shall choose from among their own number one to be president and one treasurer, and may appoint such other officers and agents as they may deem necessary or expedient, upon such compensation as they may think proper; and if at any time it shall happen that any vacancy occurs, from any cause whatever, among the directors of said company, such vacancy may be filled by such person as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be the said John Dunlop, William Graham and Catholina Lambert.

Direction of directors.

Vacancy, how filled.

First directors

4. *And be it enacted*, That the capital stock of the said corporation shall be seventy-five thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and that as soon as two hundred and fifty shares of the capital stock shall have been subscribed and paid in, it shall and may be

Amount of capital stock.

lawful for said corporation to proceed to carry into effect objects of said corporation ; and it shall be lawful for the rectors of said corporation to call for and demand from stockholders thereof respectively such installments, and such times and in such proportions, and upon such notice they shall deem proper ; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur a forfeiture of his or her share or shares, and all previous payments made thereon, for the use of the company ; and books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time as the rectors shall appoint ; and the shares of the said capital stock shall be deemed personal property, and transferable only as the books of the company, in such manner as the board of directors by their by-laws may direct.

Failure to pay  
subscriptions  
to work for-  
feiture.

May make by-  
laws.

5. *And be it enacted*, That a majority of the directors at the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation ; *provided*, the same are not contrary to the laws of the United States or of this state.

Proviso.

Failure to  
elect directors  
not to dissolve

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.



## CHAPTER CXLVI.

An Act enabling the Trustees of the Second Presbyterian Church in Newark to sell lands.

WHEREAS, Joseph T. Baldwin and Lydia, his wife, by their Preamble.  
 certain deed, bearing date the fourth day of December, in the year one thousand eight hundred and sixteen, and recorded in the clerk's office of the county of Essex, in Book C, two of deeds, on pages one hundred and seventy-one and one hundred and seventy-two, did, for a good and valuable consideration, convey unto "The Trustees of the Second Presbyterian Church in Newark," and to their successors forever, a certain tract or parcel of land in the township (now city) of Newark, and in the said deed particularly described and set forth; and whereas, the said tract of land has been used and occupied by the said church as a burial ground, and burial lots have been sold from the same to various persons, but the same has for a long time ceased to be used or opened for the purpose of burial, and is now neglected and unused by the owners of the said lots; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey. That it shall and may be lawful May purchase lands for burial purposes.  
 for the said the trustees of the second Presbyterian Church in Newark, to purchase other lands in some suitable location for burial purposes, or sufficient burial lots in some cemetery already laid out and established in the vicinity of the city of Newark, and at their own proper costs and charges remove and re-inter the remains of the bodies now interred and buried in the above mentioned land, heretofore used as a burying ground as aforesaid, and also to remove all tombstones and monuments erected over the graves of remains in said burying ground, and set the same up in a substantial and proper manner over the graves of the bodies so removed and re-interred.

2. And be it enacted, That upon the removal of the bodies, Authorized to sell lands.  
 tombstones and monuments from the said land, by the said trustees, as above provided, it shall be lawful for the said the

trustees of the Second Presbyterian Church in Newark, and they are hereby authorized and empowered to sell and convey the whole or any part of the said tract of land and premises in fee simple or otherwise as may to them seem proper and desirable, free and clear and absolutely discharged of and from all trusts whatsoever, and to execute and deliver to the purchaser or purchasers thereof good and sufficient deed or deeds therefor, to be executed and proved in the manner that deeds of corporations are now made and proved by law, which deeds shall convey to and vest in the purchaser or purchasers a good and valid title to and for the said land conveyed.

Corporation to  
pay and re-  
fund money  
to purchasers  
of lots.

Proviso.

3. *And be it enacted*, That the said, the trustees of the Second Presbyterian Church in Newark, shall pay and refund to such person or persons as may have purchased lots in the said tract of land heretofore used as a burial ground and that have or shall remove the bodies buried therein their own individual costs and charges, or that may have purchased lots and not used the same for burial purposes, the amount of the purchase money paid for said lots, without interest; *provided*, the same be demanded within five years from the passage of this act; and the remainder of the purchase money received for the land so sold shall and may be applied to and for such purpose as the said, the trustees of the Second Presbyterian Church in Newark may direct.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1872.

## CHAPTER CXLVII.

An Act to change the corporate name of the Presbyterian Church in the township of Lawrence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the Presbyterian Church in the township of Lawrence, heretofore known as "The Trustees of the Presbyterian Church in the Township of Lawrence, in the County of Hunterdon, and State of New Jersey," be and the same is hereby changed to "The Trustees of the Presbyterian Church of Lawrenceville." Change of name.

2. *And be it enacted*, That all deeds, gifts, grants, devises, bequests, records, acts and things whatsoever, in which the said corporation has been described by any former corporate name, shall be good and effectual in law, and shall enure to the benefit of "The Trustees of the Presbyterian Church of Lawrenceville," as effectually as if said name had been originally inserted therein. Acts, &c., declared effectual in law.

3. *And be it enacted*, That all the legal rights, remedies and liabilities of the said corporation shall remain the same as if this act had not been passed.

Approved March 5, 1872.

## CHAPTER CXLVIII.

An Act to widen, grade and improve Ridge Road, in the township of Union, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James McCreary, J. C. Marin, Daniel Van Winkle, Frank Page and John H. Poillon be and Commissioners and their powers.

they are hereby appointed commissioners, with full power and authority to widen, grade and improve all that public road commonly known as the Ridge road, in the township of Union and the same road which was, on the twenty fifth day of March, in the year one thousand eight hundred and sixty eight, laid out by the surveyors of the highways of the county of Bergen, in pursuance of the laws of this state; *provided*

*Proviso.* that said commissioners shall first secure the consent, in writing, of the owners of a majority of the frontage on said road; *and provided further*, that they shall not make the width of said road they are hereby authorized to widen, exceed eighty feet.

*To take oath.* 2. *And be it enacted*, That said commissioners, before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace, faithful and impartially to exercise the powers and perform the duties granted and enjoined by this act, which oath or affirmation shall be filed by said commissioners, within fifteen days thereafter, in the office of the clerk of the county of Bergen.

*May enter on lands, &c.* 3. *And be it enacted*, That the said commissioners shall have power to employ a civil engineer and all necessary workmen and agents to effectually carry out the powers and authority granted in the first section of this act; and for the widening of said road they are hereby authorized to widen, may enter upon and take any lands and improvements that may be necessary for that purpose, upon issuing to the owner or owners a certificate or certificates of indebtedness, as provided in section fifth of this act, for the damage done in taking the said land and improvements, the said damage *Proviso.* be determined by the said commissioners; *provided*, that in determining the said damage done by the taking of the land they shall only allow for the excess, if any, of damage done over and above the advantage that will, in their judgment, accrue to the owner of the land taken.

*Work to be done by contract* 4. *And be it enacted*, That when the commissioners shall proceed to grade and improve the said road, they shall do the said work by contract, in manner following, and may, if they see fit, do the same in sections of any length, at the same or different times; they shall prepare a plan and specification of the work proposed to be done, which plan and specification shall at all times, after the same are determined upon, be open to the inspection of all parties liable to be assessed for the cost and expense of the proposed improvement; and

thereupon the said commissioners shall advertise, for not less than three weeks, in at least one newspaper published in the county of Bergen, for proposals for doing said work, and after said time shall open said proposals, and let the said work to the person or persons who shall offer to do it for the least sum of money, but the said commissioners may, if they deem it for the best interest of the property owners to be assessed for the said improvement, reject all the offers and readvertise as above required, before they shall let the said work ; *provided*,<sup>Proviso.</sup> that the said work shall not in any case be let without security from the contractor, in such sums as the commissioners may require, not less than one-third the price of doing the work ; *and provided*,<sup>Proviso.</sup> that the whole cost of such grading and improvement shall not exceed the sum of twenty thousand dollars ; *and provided further*,<sup>Proviso.</sup> that it shall not be lawful for any of the said commissioners to be interested, directly or indirectly, in any contract given out by them under this act.

5 *And be it enacted*, That the commissioners may issue a certificate or certificates of indebtedness for damages awarded for lands and improvements taken for the widening of said road, particularly provided for in section third of this act, and a like certificate or certificates to the engineer, surveyor or surveyors, workmen and agents, for services rendered ; and also in the certificate of the engineer of the amount of work done under any contract authorized under section fourth of this act, issue to the contractor thereof a like certificate or certificates of indebtedness for said work, in sums of not less than fifty dollars, as the work progresses, and on the completion of the work for the balance due, which certificate of indebtedness shall bear interest at the rate of seven per centum per annum until paid ; and such certificate shall be receivable in payment for assessments laid by said commissioners, as is hereinafter provided for.

6. *And be it enacted*, That when the said commissioners shall have completed the widening of said road, and also when the work under the contracts authorized by the fourth section of this act shall be completed, the said commissioners may assess the whole cost and expense of the improvements, together with the fees of the collector for the collection of the assessment, and also such a surplus as they may deem necessary to meet all other expenses that they may incur in carrying out the provisions of this act, not to exceed the sum of five hundred dollars, on all the lands fronting on said road

Commissioners may issue certificates of indebtedness.

Costs and expenses to be assessed on lands.

Maps to be made.

Notice of meeting to hear objections.

Assessments to be a lien.

Collector to collect assessments.

hereby authorized to be widened, graded and improved; and said commissioners shall make the said assessment on said lands in proportion to the benefit received, in their judgment by the owners thereof, and they shall make a map showing the boundaries of the lands so assessed, and the course, length and location of the road on account whereof the assessment is made, and shall make the amount of the assessment to suit the owner on the plot of his land, and shall make a certificate of the whole amount of the assessment, and the assessment on each owner, and annex the same to said map, whereupon the said commissioners shall give two weeks' previous notice in a newspaper printed and published in the county of Bergen, and by notice posted in three of the most public places along the line of the improvement, that they will meet at a convenient time and place to be named in said notice, to hear and weigh all objections to said assessments, and to correct and finally confirm the same; and notwithstanding any error in said certificate in not naming the true owner or owners of a plot or parcel, the assessment shall remain valid and effectual against such plot or parcel, and be collected in the manner hereinafter prescribed, and if any error of assessments made in such certificate in not dividing any plot or parcel according to its actual ownership, it shall not defeat or impair the assessments, but the commissioners shall, on application to them, divide said assessment and apportion it to suit the fronts.

7. *And be it enacted*, That the map and certificates mentioned in the last section, when completed according to said final conviction and confirmation of the assessment, shall be filed in the office of the clerk of the county of Bergen, from which time the assessment shall be a lien on the lands to which it is laid; and the said commissioners shall make a copy of said map and certificate, which they shall place in the hands of the collector of taxes for the time being of said township of Union, and thereupon it shall be the duty of said collector to collect said assessment within sixty days from the time of laying the same, in the same manner in which township taxes are collected, and to pay the same over to one of the said commissioners, who shall have been chosen by them as their treasurer; and the said collector shall proceed in all things as by the laws of this state township collectors are bound to proceed, where not otherwise herein specified, and

shall be liable to the same pains and penalties prescribed in such cases.

8. *And be it enacted*, That in case any owner or owners of lands shall fail to pay the assessment laid thereon within sixty days from the time of laying the same, then the collector shall return the same in the same manner, and all subsequent proceedings, including the sale of lands so assessed, shall be the same as though they were to be had for any unpaid taxes; and the moneys made by virtue of the sale of lands or chattels shall be paid over to the treasurer of said commissioners. Lands to be sold for non-payment.

9. *And be it enacted*, That the term of office of the said commissioners shall expire at the end of three years from the passage of this act, and in case of the death, disability, or resignation of any of said commissioners, the vacancy so caused shall be refilled by the remaining commissioners, at a meeting called for that purpose, by the election of a new commissioner for the unexpired term. Term of office.

10. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Passed March 6, 1872.

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## CHAPTER CLI.

A Supplement to an act entitled "An Act to provide a free bridge across the Passaic river, at the city of Newark," approved March fourteenth, eighteen hundred and seventy-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or to ride, lead, or drive any horse or horses, mule or mules, or any description of cattle, at a faster gait than a walk over or upon the free bridge across the Passaic river at the foot of Bridge street in the city of Newark, in the county of Essex, and connect- Penalty for violation of act.



ing that city with Harrison in the county of Hudson, and that every person or persons so offending, besides being liable for all damage occasioned thereby, shall, on being convicted thereof before any justice of the peace of either said counties, upon the view of such justice, or confession of the party offending, or on proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of ten dollars for every such offence, together with the costs of prosecution; *provided always*, that this act shall not apply to any physician or person going for any physician, nor to any person riding express by order of any public officer of this state or of the United States, nor to any person pursuing a fugitive from justice; and *provided further*, that the boards of chosen freeholders of said counties, shall cause to be put up at each end of said bridge, in some conspicuous place, and in plain legible letters, a notice as follows: "Ten dollars fine for travelling over this bridge at a faster gait than a walk."

Proviso.

Proviso.

Penalty for  
detaching no-  
tices, &c.

2. *And be it enacted*, That if any person or persons shall wilfully remove or deface said notice, or shall offend against any of the provisions of the act entitled "An Act for the protection of bridges in this state," passed February twenty-seven, anno domini eighteen hundred and thirty-three, so far as they may relate or apply to said bridge, such person or persons so offending, on being convicted thereof before any justice of the peace of either of said counties, upon the view of such justice, or confession of the party offending, or on proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of ten dollars for every such offence together with the costs of prosecution.

Regulations  
for protection  
of bridge.

3. *And be it enacted*, That the boards of chosen freeholders of the said counties, or the joint committees having charge of said bridge, may make such regulations, not inconsistent with the provisions of this act, as they shall deem necessary, for the protection of the said bridge and the accommodation of passengers crossing the same, and may place the said bridge in the special care or charge of such suitable persons as they may appoint for that purpose, and may thereupon apply to the governor of this state to commission such person or persons to act as policemen in respect to the said bridge and the enforcement of the provisions of this act, and of such regulations as shall be made as aforesaid.

Policemen.



4. *And be it enacted*, That the governor, upon such application may appoint such persons, or so many of them as he may deem proper to be such policemen, and shall issue to such person or persons so appointed, a commission or commissions to act as such policemen, a copy of which commission shall be filed in the office of the secretary of state; and thereupon the person or persons so commissioned, shall possess all the powers of policemen and constables within said counties, so far as relates to the enforcement of the provisions of this act, and of the regulations to be made as aforesaid, and shall, when on duty, severally wear in plain view a metallic shield or device, with the words "bridge police."

Governor to  
commission  
policemen.

Powers and  
duties.

5. *And be it enacted*, That the compensation of such policemen shall be paid by the said boards of chosen freeholders or the said joint committee thereof, and shall be such as may be mutually agreed upon; and whenever said boards or said joint committee shall no longer require the services of such policemen, they shall file a notice to that effect in the office of the secretary of state, and thereupon the power of such policemen shall cease and be determined.

Compensation

6. *And be it enacted*, That it shall be lawful for every such policeman who may witness any offence against this act, to apprehend immediately the person so offending, and take him before a justice of the peace of either of said counties, as soon as conveniently may be, and make complaint or give information of such offence against the offender, in order that he may be dealt with according to law, and may detain him until such justice can be found, and the said justice may thereupon proceed to hear and inquire into such complaint or information, or adjourn the hearing thereof for a reasonable time, taking security from the defendant for his appearance at the time and place to which such hearing shall be adjourned, then and there to answer the charge, and upon confession, or proof thereof, as aforesaid, the defendant shall be thereof convicted and adjudged to pay the penalty aforesaid with all lawful costs; and in case any person so convicted shall not immediately pay down the penalty and costs so adjudged against him, or give security to the satisfaction of the justice before whom such conviction shall be had, for the payment thereof within ten days, then every such offender shall, by warrant, under the hand and seal of such justice, be sent to the common jail of the county, or to the jail of any city or town corporate

Policemen to  
arrest offend-  
ers.

within the same, there to be and stand committed, for a to be specified in said warrant, not less than five nor than thirty days.

Persons convicted may appeal.

7. *And be it enacted*, That if any person so convicted think himself aggrieved by any such conviction, he may ap to the next court of general quarter sessions of the peace the county where such conviction shall be had ; which shall, in a summary way, hear and determine such appeal, confirm such conviction, with costs, or reverse the same, them shall seem right ; *provided*, that no person shall be titled to an appeal unless he shall first pay down to the ju the penalty and costs of prosecution awarded against him be returned to him, in case, upon the appeal, the convic thereof had shall be reversed.

Provide.

Forfeitures and costs, to whom paid.

8. *And be it enacted*, That it shall be lawful for every offender to pay the said forfeitures and costs to the ju before whom such conviction shall be had ; and such ju shall receive the same, and, within five days thereafter, over the same to one of the members of the said joint mittee, to be applied by said committee towards maintai said bridge, and keeping the same in repair.

Expenses, by whom borne and paid.

9. *And be it enacted*, That it shall be lawful for the bo of chosen freeholders of the said counties, respectively, t propriate for the use of said joint committee such sum money as may be required and applied for by them, time to time, to meet the expenses of maintaining keeping in repair the said bridge, and pay the wages salaries of persons employed by them in connection the said bridge ; and all the expenses incurred by said committee shall be borne and paid by the said cou equally.

10. *And be it enacted*, That this act shall be deemed taken to be a public act, and shall take effect immediate

Approved March 7, 1872.

## CHAPTER CLII.

An Act to alter the township line between the borough of Hackettstown and the township of Mansfield, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the borough of Hackettstown lying within the following boundaries and description, to wit : beginning at the present corner between said borough and the township of Mansfield, in said county of Warren, at or near the bridge over the Musconetcong creek, below and near the mills known as Rice's Mills, and in the middle of said creek, and running thence northwesterly along the boundary line between said borough and said township to the Morris canal; thence northeasterly along said canal to the centre of the first waste weir thereon, west of the road leading from Hope to Hackettstown; thence easterly to the centre of the north end of the culvert on the Morris and Essex railroad across Trout brook; thence down the middle of Trout brook, the several courses thereof, to the middle of the Musconetcong creek aforesaid; thence down the middle of said creek, the several courses thereof, to the place of beginning, shall be set off from the aforesaid borough of Hackettstown and attached to the township of Mansfield, in the county of Warren. <sup>Boundaries.</sup>

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

## CHAPTER CLIII.

An Act to set off from the township of Evesham, in county of Burlington, a new township, to be called township of Mount Laurel.

**Boundaries.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Evesham, in the county of Burlington, lying within the following boundaries, to wit: beginning at the place where the extension of the Moorestown and Mount Laurel turnpike road crosses the line dividing the townships of Evesham and Medford; thence in a straight westwardly course through the intersection of the public roads leading from Moorestown to Marlton and from Fellowship to Evesham, the dividing line of the counties of Burlington and Camden; thence following the line of said counties a northwesterly course to the line of the township of Chester; thence following the line of the township of Chester to the middle of the Rancocas creek; thence up the middle of the said Rancocas creek to the line of the township of Lumberton; thence southwardly following the line of the township of Lumberton to the line of the township of Medford; thence along the line of the township of Medford to the place of beginning, shall be hereby set off from the township of Evesham, in the county of Burlington, and made a separate township, known by the name of the township of Mount Laurel.

**Corporate name.**

2. *And be it enacted*, That the inhabitants of the township of Mount Laurel shall be, and they are hereby, constituted a body politic and corporate in law, by the name of the "Inhabitants of the Township of Mount Laurel, in the County of Burlington," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities, to which the inhabitants of the township of Evesham, first aforesaid, are now entitled or subject to, by the existing laws of this state, or by any special laws for the township of Evesham.

**Town meeting.**

3. *And be it enacted*, That the inhabitants of the township of Mount Laurel, aforesaid, shall hold their first

meeting at the Green Grove school house, in said township, on the second Tuesday in March, anno domini one thousand eight hundred and seventy-two, at ten o'clock in the forenoon, and annually thereafter on the second Tuesday in March, at such place as the said inhabitants may determine.

4. *And be it enacted*, That the township committees of the townships of Evesham and of Mount Laurel shall meet at the Evesboro hotel, in the township of Evesham, on the Monday next succeeding the annual town meetings in said townships of Evesham and of Mount Laurel at ten o'clock in the forenoon of said day, and then and there proceed, by writing signed by a majority of those members present, to allot and divide between the said townships, all properties and monies on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor of the township of Evesham, within their respective limits, at the last assessment; and the inhabitants of the township of Evesham, and the inhabitants of the township of Mount Laurel, shall be liable and required to pay their just proportion of the debts respectively; and if any of the persons comprising either of the township committees aforesaid should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and shall have full power to adjourn from time to time, and to such place as they think proper, and the decision of a majority of those members present shall be final and conclusive.

Township committee to meet and allot and divide monies, &c.

5. *And be it enacted*, That of the township committee and commissioners of appeal chosen at the first town meeting of the inhabitants of the township of Mount Laurel, one member of the township committee, and one commissioner of appeal shall serve for three years; one member of the township committee and one commissioner of appeal shall serve for two years, and one member of the township committee and one commissioner of appeal shall serve for one year, their terms of service to be determined by themselves by lot; and thereafter at each annual town meeting, one member of the township committee and one commissioner of appeal shall be elected for three years.

Terms of office

6. *And be it enacted*, That in case at any town meeting of the inhabitants of the township of Mount Laurel, two or more candidates have an equal number of votes, or in case any person elected shall refuse to accept of the office to which he was elected, or in case of the removal of any officer

Vacancy, how filled.

from the township, or in case a vacancy occurs from any other cause, it shall be the duty of the township committee of said township (unless they shall deem a special town meeting for the purpose advisable, and in that case they shall have power to direct the calling of a special town meeting as now provided by law), to fill such vacancy without unnecessary delay; and immediately after they shall have made a such appointment, they shall notify the clerk of the township, who shall enter the same on the township book containing the minutes of the proceedings of town meetings, and shall also notify the person or persons so appointed or chosen and shall transmit a statement thereof to the clerk of the county.

Commissioners to run and mark dividing line.

7. *And be it enacted*, That Freedom C. Lippincott, of the township of Evesham, and David E. Darnell, of the township of Mount Laurel, be and they are hereby appointed commissioners to run and mark the dividing line of the townships of Evesham and Mount Laurel, and that the expenses of reasonable compensation of said commissioners be equally paid by said townships.

Repealer.

8. *And be it enacted*, That all acts or parts of acts consistent with this act, be and the same are hereby repealed.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLIV.

A Further Supplement to the act entitled "An Act to incorporate Morristown."

Power to lay out and open streets, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the common council of Morristown shall have exclusive jurisdiction of the laying out and vacating of all streets and highways, roads and alleys within the corporate limits of said town, and shall have power to

out and open any street, road, highway or alley within said town, and to order and cause any street, road, highway or alley already laid out, or which may hereafter be laid out, to be vacated, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, as is hereafter mentioned and provided.

2. *And be it enacted*, That in proceeding to lay out and open, or vacate any street, road, highway or alley within their corporate limit, the said common council shall give notice of their intention so to do, in accordance with the provisions of the second section of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate Morristown,'" approved April sixth, eighteen hundred and sixty-five, which supplement was approved April ninth, eighteen hundred and sixty-seven, and in their proceedings to acquire the title to property taken for the purpose of any such street, road, highway or alley, and in providing for payment of the cost of the same, and for the expenses of opening and grading the same, shall be governed by the several provisions of said supplement, which are hereby declared to apply to the laying out and opening and grading of streets, roads, highways and alleys, as well as to the straightening, altering and widening of the same. Notice of intention to be given. Act to apply

3. *And be it enacted*, That the third section of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate Morristown,'" approved April sixth, eighteen hundred and sixty-five, which supplement was approved March second, eighteen hundred and seventy, shall be so amended that the words "ten thousand dollars," contained in said section, shall be stricken out, and the words "twelve thousand and five hundred dollars" inserted in place thereof, and said supplement shall be read and construed accordingly; and the fourth section of said supplement shall be so amended that the words "eight thousand dollars" therein contained shall be stricken out, and the words "eleven thousand dollars" inserted in place thereof; and said fourth section shall be read and construed accordingly. Amendment. Amendmen.

4. *And be it enacted*, That the corporation of Morristown be and is hereby authorized to issue bonds to an amount not exceeding twelve thousand dollars, in sums of not more than one thousand and not less than one hundred dollars, to be signed by the mayor and countersigned by the town clerk, May issue bonds.



and sealed with the corporate seal of said town, and to be written or printed thereon the words "fire bond;" and the sum of five thousand dollars, in amount of said bonds, shall be payable in each and every year, from and after the maturity of the bond which matures the latest of those heretofore issued by said corporation, so that the whole amount shall be due and payable in twelve years from and after the maturity of the bond which matures the latest of those heretofore issued by said corporation; and said bonds so to be issued shall bear interest at seven per centum per annum, payable annually, and shall be exempt, in the hands of any holder, from any tax to be levied by said corporation for its corporate purposes; and the said common council of Morristown shall have the power to raise the money, by taxation, to pay the principal and interest of the said fire bonds so to be issued, the same mature in addition to the tax they are now authorized to raise, and in the same manner as other taxes are assessed and raised by said corporation.

Proceeds of  
sale of bonds,  
how appropriated  
and used.

5. *And be it enacted*, That the proceeds of the sale of said bonds so to be issued shall be appropriated and used by the said common council, first, towards the payment of the money debt now existing upon the real estate owned by said corporation, and second, towards the purchase of new horses for the fire department of said town; and said common council shall have power to dispose of said bonds at their market value.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLV.

An Act to set off a new township in the county of Middlesex to be called the township of Cranbury.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the town



of South Brunswick and Monroe, in the county of Middlesex, <sup>Boundaries.</sup> lying within the boundaries and descriptions following, to wit: Beginning in the middle of Millstone river, at the point where Devil's brook empties into the same, and running thence up the middle of Devil's brook the several courses thereof to the middle of the highway running from Gray's Mills to Plainsboro; thence in an easterly direction to the village of Plainsboro; thence along the middle of the road leading from Plainsboro to Scott's Corner, and following said road until it intersects the Cranbury and New Brunswick turnpike; thence easterly along the new road until it intersects the public road leading from the village of Washington to Cranbury; thence northeasterly along said road to Pleasant Hill school house; thence easterly along the middle of a new road to a bend in the same by the dwelling house of Timothy McCarty; thence southerly direct to the point where the public road crosses the Camden and Amboy railroad, near the dwelling house of John S. Dey; thence southwesterly along the Camden and Amboy railroad to the high bridge on the public road leading from Cranbury village to Cranbury station; thence southerly following the middle of the most direct public road leading from the said high bridge to Wyckoff's Mills to where it strikes the public road leading from said Wyckoff's Mills to the Red Tavern; thence a due south course (as the needle now points) to the channel of Wyckoff's mill pond, which is the Millstone river; thence following the middle of the said Millstone river the several courses thereof to the place of beginning, shall be and hereby is set off from the said townships of South Brunswick and Monroe, and made a separate township, to be called and known by the name of "The Township of Cranbury."

2. *And be it enacted*, That the inhabitants of the town-<sup>Corporate</sup>ship of Cranbury shall be, and they are hereby constituted <sup>name.</sup> a body politic and corporate, and shall be styled and known by the name of "The Inhabitants of the Township of Cranbury, in the County of Middlesex," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the county of Middlesex.

3. *And be it enacted*, That the inhabitants of the said township of Cranbury hereby created, shall hold their first <sup>Town meet-</sup>annual town meeting at the inn of William Stults, in the <sup>ings.</sup>

village of Cranbury, on the day appointed by law for holding the annual town meetings in the other townships of the county of Middlesex, and annually thereafter at such place in the said township of Cranbury as a majority of the legal voters of said township shall determine; that at their said town meetings they shall vote by ballot until it shall be otherwise determined according to law; and that all the provisions and restrictions of an act entitled "An Act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the township of Cranbury.

Election officers.

4. *And be it enacted*, That Ezekiel Silvers, Matthew Rue and D. Chambers Lewis, be and they are hereby appointed judges of election, to hold and preside over the first town meeting, and Edwin A. Brown is hereby appointed town clerk of said township of Cranbury, to hold their respective offices until their successors are elected and qualified in their stead; and any person acting as judge of election or town clerk, shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township, may be elected; *provided*, that in case of the absence or inability to serve of any of said persons so appointed by this act, a majority of the legal voters present may fill such vacancy.

Proviso.

Road districts

5. *And be it enacted*, That Ezekiel Silvers, Matthew Rue and D. Chambers Lewis, or a majority of them be, and they are hereby authorized and required to divide the said township of Cranbury into convenient road districts, and report the same in writing to the clerk of said township, who shall lay the same before the legal voters present at the opening of the polls, on the morning of the first annual town meeting, which said districts shall remain in force unless otherwise altered or changed by the township committee.

Officers.

6. *And be it enacted*, That the inhabitants of said township of Cranbury shall elect, at their first annual town meeting, such officers as are authorized to be chosen in the other townships of the county of Middlesex, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the making and repair of roads, for the support of the poor, and for such other purposes as may be authorized by law.

7. *And be it enacted*, That the town committee of the township of Cranbury, together with the town committees of the respective townships of South Brunswick and Monroe, shall meet on the second Tuesday of April next, at the inn of William Stults, in the village of Cranbury, in the township of Cranbury, at ten o'clock in the forenoon, and shall then and there proceed by writing signed by a majority of the members of each township committee, to allot and divide between the said townships all their paupers which are hereby chargeable to that township within the bounds of which they shall have acquired their settlements respectively, and to allot and divide between the said townships all property and moneys on hand or due, in proportion to the taxable property and ratables as valued and assessed by assessors, within their respective limits of the said townships at their last assessments; and the inhabitants of the said township of Cranbury shall be liable to pay their just proportion of the debts, if any there be due, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committees shall refuse or neglect to meet as aforesaid, those assembled may proceed to make the said allotment and division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place within the said township of Cranbury as a majority of those assembled may think proper.

Town committee to meet and divide property, &c.

Proviso.

8. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the townships of South Brunswick and Monroe respectively, set off and called the township of Cranbury, nor with the commissions of justices of the peace nor commissioners of deeds, until they shall expire by their own limitation.

Act, how construed.

9. *And be it enacted*, That the committee of the said township of Cranbury shall cause the boundary lines of said township to be surveyed and marked when necessary.

Boundary line to be surveyed

10. *And be it enacted*, That the township of Cranbury shall form part of the third assembly district of the county of Middlesex.

Assembly district.

11. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are

Repealer.

hereby repealed, and that this act shall take effect immediately.

Approved March 7, 1872.

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### CHAPTER CLVI.

An Act for the relief of Anna Atkinson, widow of a soldier of the Revolution of one thousand seven hundred and seventy-six.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of fifty dollars be paid by the treasurer of this state, to Anna Atkinson, widow of a revolutionary soldier, upon the passage of this act; and the rate of fifty dollars per annum thereafter be paid to her semi-annually, during her lifetime.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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### CHAPTER CLVII.

An Act for the relief of James F. Price, a soldier of the Revolution of one thousand eight hundred and twelve.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid, by the treasurer of this state, to James F. Price, a soldier of the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred

dollars per annum thereafter, be paid to the said James F. Price, quarterly, during the term of his natural life.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLVIII.

An Act to authorize the construction of a draw or swing bridge over the Elizabethtown Creek.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Union, to build and maintain, or permit to be built and maintained, a good and sufficient bridge over Elizabethtown creek, with a suitable draw or swing therein, of not less than forty feet in width, which bridge shall be located at or near the point where Second street intersects said creek at Elizabeth. May build a draw bridge.

2. *And be it enacted*, That if any person shall open the draw or swing of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of a vessel or boat through the same, or if any person shall cut, remove or destroy any piece of timber, or shall remove or destroy any iron or stone work belonging to said bridge or abutment thereof, or otherwise wilfully damage, or cause to be damaged, the said bridge or any part thereof, he or she so offending shall, for every offence, forfeit and pay the sum of fifty dollars over and above the damage done to said bridge, to be recovered in an action of debt before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same; one half of said sum for the use of the prosecutor, and the other half for the use of said county, to be paid to the collector thereof. Penalty for opening draw and injuring works.

3. *And be it enacted*, That in case it shall become necessary for the accommodation of persons and vehicles passing

Freeholders  
may make  
regulations  
and employ  
keeper.

Proviso.

Proviso. "

over, or of vessels or boats passing through the said bridge to have the same put in the charge or care of some suitable person or corporation for that purpose; then and in the case it shall be lawful for the said board of chosen freeholders for the time being, to make such contract and regulations, with such person or with the city of Elizabeth, as they shall deem necessary, for the better accommodation of the aforesaid; *provided*, they be in accordance with the preceding sections of this act; *and provided*, that no person or corporation shall at any time charge or receive any fee whatsoever for crossing the said bridge.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLIX.

An Act for the relief of Enoch Ireland, of the county of Atlantic.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state and he is hereby authorized and required to pay to Enoch Ireland, of the county of Atlantic, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal quarterly payments of twenty dollars each; the first payment to be made on the first day of May, eighteen hundred and seventy-two.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

## CHAPTER CLX.

An Act for the relief of Mary McBride, widow of William McBride, a soldier of the war of eighteen hundred and twelve.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars <sup>Pension.</sup> be paid by the treasurer of this state, to Mary McBride, widow of William McBride, a soldier of the war of eighteen hundred and twelve, upon the passage of this act; and at the rate of one hundred dollars per annum thereafter be paid to her semi-annually, during her lifetime.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

## CHAPTER CLXI.

A Supplement to an act entitled "An Act to revise and amend the charter of the city of Camden," approved February fifteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the police and night watch- <sup>Appointment of policemen and watchmen.</sup> men of the said city of Camden shall be appointed by the mayor, and hold their office under the control, and at the pleasure of the mayor of said city; and said mayor shall appoint a proper person to be the chief of police, and said city council shall define his duties; and that no policeman or watchman shall engage in any other business during his term of office.

2. *And be it enacted*, That all acts or parts of acts in- <sup>Repealer.</sup>

consistent with this act be and the same are hereby repealed and that this act shall take effect immediately.

Approved March 7, 1872.

## CHAPTER CLXII.

### An Act for the relief of Thomas Carr.

Preamble.

WHEREAS, Thomas Carr, a citizen of the state of New Jersey, was convicted at a court of oyer and terminer and general jail delivery, holden at Mount Holly, in and for the county of Burlington, on Tuesday, the sixteenth day of April, A. D. 1861, on an indictment for breaking and entering shop and larceny; and whereas, by reason of said conviction, the said Thomas Carr is deprived of the right of suffrage under the constitution and laws of this state; and whereas, the right of suffrage may only be restored to said Thomas Carr by a law specially enacting the same; and whereas, by reason of his faithful services rendered in the army of the United States, and his correct deportment since his conviction, he merits the interposition on his behalf; therefore,

Restored to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all disabilities which the said Thomas Carr is subjected to, by reason of the aforesaid conviction, are hereby removed, and the said Thomas Carr the right of suffrage restored to him as fully as if the conviction had not taken place.

Approved March 7, 1872.



## CHAPTER CLXIII.

## An Act for the relief of David Sherrey, of the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, <sup>Pension.</sup> and he is hereby authorized and required to pay to David Sherrey, of the county of Atlantic, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal quarterly payments of twenty-five dollars each; the first payment to be made on the first day of May, eighteen hundred and seventy-two.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

## CHAPTER CLXIV.

## An Act to incorporate the Artisans' Building and Real Estate Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Mosley, John T. Hilton, Henry Wardle, John J. Jackson, John Houghton and Samuel Urmson, and all such persons as may hereafter be associated with them, and their successors and assigns, shall be and they are hereby created a body corporate by the name of "The Artisans' Building and Real Estate Association," and by that name shall be capable, by law, to hold <sup>Name and powers.</sup> and dispose of property, to sue and be sued, to plead and be impleaded, in any court whatsoever, to make and use a com-

mon seal, to alter and renew the same at pleasure, to make and put in force all such by-laws and regulations necessary for promoting the interests of the said association, and to do generally to do any act and thing necessary to carry into effect the provisions of this enactment; *provided*, the same are not contrary to the laws of the United States or of this state.

May hold, use,  
lease, sell and  
improve lands

2. *And be it enacted*, That the said association is hereby authorized to purchase, hold, use, lease, sell, convey, mortgage and dispose of real estate, in this state, and to improve the same by erecting, or causing to be erected thereon, buildings of every name and description, and for all proper and legitimate uses and purposes whatsoever; and to hold, sell, lease, mortgage or convey the same; and further to improve the said lands by laying out the same into lots and plots, and by opening and grading streets and roads through said lands, such streets and roads to be made to conform to the location of the streets and roads located thereon or across said lands by any legal authority.

First trustees.

3. *And be it enacted*, That the said stock, property and concerns of the said association shall be managed and conducted by three trustees, who shall be stockholders in the said association, and residents of this state, and shall hold their offices for one year, and until others are elected, one of whom shall be president; and that John J. Jackson, John H. Hutton and Samuel Urnson shall be the first trustees of the said association, and shall hold their offices for one year from the organization of the said association, and until others shall be elected in their places: and that the first trustees shall be chosen on the first Monday in April, eighteen hundred and seventy three, and on the first Monday in April in every year thereafter, at such time and place as shall be provided in the by-laws of said association, by such of the stockholders as shall attend for that purpose, either in person or by proxy; notice of the time and place shall be published at least two weeks previous thereto, in a newspaper published in the city of Paterson, in this state; and each stockholder shall be entitled to one vote for each share which he may hold in said association, and the persons having the greatest number of votes shall be trustees; and the trustees may appoint such agents, officers and superintendents, and make such compensation as they shall think fit; and in any time, it shall happen that any vacancy or vacancies

Election.

Vacancies,  
how filled.

occur from any cause whatever among the trustees of the said association, such vacancy or vacancies shall be filled by such person or persons, from among the stockholders, as the remainder of the trustees, for the time being, shall appoint, who shall hold their offices until others are chosen as aforesaid.

4. *And be it enacted*, That the capital stock of the said association shall be thirty thousand dollars, with the privilege of increasing it to sixty thousand dollars, which shall be divided into shares of two thousand dollars each; and as soon as fifteen shares of the capital stock shall have been subscribed and the sum of five hundred dollars, on each share so subscribed, paid, and the balance secured to be paid, it shall and may be lawful for said association to proceed to carry into effect the objects of this enactment; and it shall be lawful for the trustees of said association to call for and demand from the stockholders, respectively, such installments, and at such times and in such proportions as they shall deem proper, previous notice of which shall be published for at least twenty days in a newspaper published in the city of Paterson, in the county of Passaic; and in case of failure to pay any installment at the time and place appointed for the payment thereof, such stockholder shall incur a forfeiture of his share or shares, and all previous payments thereon for the use of the association; books of subscription, for the stock of the said association, shall be opened at such time and place, in the city of Paterson, as the trustees shall appoint, notice begin given previous thereto in a newspaper published in the said city; and the shares of the said capital stock shall be deemed personal property, and transferable on the books of the association in such manner as the said association, by their by-laws, shall direct.

Amount of capital stock.

Failure to pay subscriptions to work for forfeiture.

5. *And be it enacted*, That a majority of the trustees, for the time being, shall form a board for the transaction of the business of the association, and shall have power to make all necessary by-laws, rules and regulations, for promoting the interest of the said association, as hereinbefore authorized; and that the office of the said association shall be in the city of Paterson, in this state.

May make by-laws, &c.

6. *And be it enacted*, That in case it shall, at any time, happen that the election for trustees shall not be made on the day when, pursuant to this act, it ought to have been made, the said association shall not, for that cause, be deemed to be

Failure to elect trustees not to dissolve

dissolved, but it shall and may be lawful to hold such election on such other day as the trustees of the said association may direct.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLXV.

### An Act to incorporate the Cummings Car Works

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Delos E. Culver, William H. Cummings, Luther H. Cummings, William H. Chaddock, Augustus S. Whiton, or the survivor or survivors of them, and such other persons as now are or may hereafter be associated with them, or the said survivors, their successors and assigns, be and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Cummings Car Works," for carrying on the manufacture of railroad cars and machinery, and that the persons above named, and their successors by the same name, shall be able and capable in law to acquire, purchase, receive, have, hold and enjoy any lands, real estate, tenements, hereditaments, and any goods and chattels of whatever kind and quality; to sell, convey, demise, mortgage and dispose of the said lands, real estate, tenements, hereditaments, goods and chattels, or any part thereof; to sue and be sued, plead and be impleaded in courts of justice, law and equity, and to make and use a common seal.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege, to the board of directors, of increasing it from time to time to a sum not exceeding five hundred thousand dollars. The said stock shall be divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times upon such notice, and in such manner and instalments

directors of said corporation, by their by-laws or otherwise, shall direct; and that in case of the failure of any stockholder to pay any instalment on his or her stock, at the place, and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares of stock, and of all previous payments thereon, for the use of said corporation.

3. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the shares of stock shall be transferable in such manner as the board of directors by their by-laws may direct; and every share of stock shall entitle the holder thereof to one vote, either in person or by proxy. Stock, how transferable.

4. *And be it enacted*, That the affairs of said corporation shall be managed by five directors, to be chosen, except as hereafter provided, by the stockholders of the corporation annually, at such time and in such manner as the by-laws of the said corporation may direct, and which directors shall serve for one year, and until others shall be chosen in their stead, notice of which election shall be previously given for two weeks in a newspaper published in the county of Hudson; the said directors shall from time to time elect a president from their own number, who shall hold his office until the next annual election for directors, and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary; that a majority of the directors shall form a quorum capable of transacting all business; and any vacancy in the board of directors may be filled by the remaining directors until the next annual election; and for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that cause be dissolved, but such election may be held at any time thereafter; *provided*, two weeks notice shall be given of such election by the publication thereof in some newspaper published in the county of Hudson. Affairs, how managed.

5. *And be it enacted*, That Delos E. Culver, Augustus S. Whiton, William H. Chaddock, Luther H. Cummings and William H. Cummings shall be the first directors of said corporation and shall be authorized to receive additional subscriptions to the capital stock of said corporation. Vacancy, how filled.

6. *And be it enacted*, That the said directors may, from time to time, make, alter and repeal by-laws for the government of the corporation, its officers and agents, the preser- May make rules and regulations.

Proviso.

vation and use of its property, and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of this state.

Taxation.

7. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation at the office of the corporation, which shall be located in Jersey City, in like manner as the property of individuals, and that the said corporation shall not be subject to any tax whatever except the tax as aforesaid, and its stockholders shall not be subject to any tax on any stock of said corporation, except the tax as aforesaid, held or owned by them or any of them.

General powers.

8. *And be it enacted*, That the said corporation shall possess all the rights and powers and be subject to the restrictions and liabilities incident to a corporation, and particularly that it shall possess all the rights and powers, and be subject to the restrictions and liabilities provided for in an act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLXVI.

An Act to incorporate the Paterson Silk Manufacturing Company.

Corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John Byard, Willard W. Farnbanks and John C. Benson, and such other persons as may hereafter be associated with them, and their successors and assigns, be, and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Paterson Silk Manufacturing Company," for the purpose, and with the power and authority of carrying on, in the county of Passaic,

Name.



c, in this state, in all its branches, the business of manufacturing goods and fabrics of every kind, of which silk, wool, linen or cotton, or any or either of them, form a component part, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act, and by the said name shall have continued succession, and be capable of purchasing, holding, leasing, mortgaging and conveying any lands or real estate, elements, goods and chattels necessary or proper for the purposes of the said corporation.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred and fifty thousand dollars, with the privilege to the directors of increasing the same to any amount not exceeding two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, to take and receive subscriptions for such capital stock, at any time or times and in such manner as they shall deem proper; and whenever fifty thousand dollars of the said stock shall have been subscribed for and paid in, it shall be lawful for the said company to commence its business; and the persons herein named, and the directors of said company, may receive payment of subscriptions for stock any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve; and it shall be lawful for the directors of said company to call for and demand of the stockholders thereof, respectively, such installments, at such times and in such proportions, and upon such notice, as they shall deem proper; and in case of failure, by any stockholder, to pay his or her installment or installments, in the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments made thereon, for the use of the company; and the shares of the said capital stock shall be deemed personal property, and transferable only on the books of the company in such manner as the board of directors, by their by-laws, may direct.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by a board of directors, not less than three nor more than five in

Capital stock.

Subscriptions for stock.

May call in amount subscribed under penalty of forfeiture.

Affairs, how managed.

number, being stockholders, one of whom shall be president and who shall hold their offices, respectively, for one year and until others are elected; and that the said directors shall be chosen on the first Monday in May in every year, at a certain time and place, and upon such notice, as the by-laws of said corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy; each stockholder shall be entitled to one vote for each share of stock which he or she may hold in said corporation; the persons having the greatest number of votes shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation as they may think fit.

Vacancy, how filled.

majority of said directors shall think fit, and if any vacancy shall occur by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, a majority of them; and the said John Byard, Willard Fairbanks and John C. Benson shall be the first directors of said company, and shall serve as such until the first Monday in May next, and until others are legally chosen.

First directors

Failure to hold election not to dissolve

4. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

May make by-laws, &c.

5. *And be it enacted*, That a majority of the directors at the time being shall form a board for the transaction of business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation; *provided* that the same are not contrary to the laws or constitution of the United States or of this state.

Proviso.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.



## CHAPTER CLXVII.

Act to incorporate the New Jersey Enamel Paint Company.

BE IT ENACTED *by the Senate and General Assembly of*  
*State of New Jersey*, That George T. Young, James S. Corporators.  
 Vosseller, Theodore W. Young, Hugh M. Gaston, Alexan-  
 Bonnell, Henry Duzenberry, Lawrence Ackerman and  
 crew V. D. B. Vosseller, and their associates, be and they  
 hereby created a body politic and corporate, in fact and  
 law, by the name and style of "The New Jersey Enamel Name.  
 Paint Company," for the purpose of manufacturing paints,  
 also, if they see proper, the materials of which the paints  
 composed, or any of them, and selling the same and car-  
 ging on the business incident thereto; and for such purposes  
 said company shall or may raise by subscription, by open-  
 books therefor, or otherwise, a capital stock of fifty Capital stock.  
 thousand dollars, to be divided into shares of one hundred  
 dollars each, with the privilege of increasing the same, from  
 time to time, to any sum not exceeding one hundred thousand  
 dollars; and it shall be lawful for said company to issue cer-  
 tificates of stock in whole or part payment for any indebted-  
 ness of said company, or for any real or personal property  
 purchased or leased by the said company for the purpose of  
 its business; and that said corporation shall go into opera-  
 tion as soon as thirty per cent. of the said capital stock of  
 fifty thousand dollars shall have been subscribed and paid in.  
*And be it enacted*, That the said corporation may pur-  
 chase, use, hold, possess and enjoy such real estate as may May hold real estate.  
 be necessary or expedient for the purposes of said corpora-  
 tion, and may sell, mortgage, lease or otherwise dispose of  
 the same at pleasure, and may borrow money and issue bonds  
 therefor, to an amount not exceeding at any one time one  
 hundred thousand dollars of their paid up capital stock; and may sue and be sued  
 in all courts of law and equity; and may have and use a  
 common seal, and may change and alter the same at plea-  
 sure; and may make such by-laws for their regulation and  
 government as they may see proper; *provided*, the same are Provido.

not inconsistent with the constitution or laws of the United States or of this state.

Affairs to be managed by directors.

3. *And be it enacted*, That the affairs and business of said corporation shall be managed by not less than three more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and such others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day and hour of the day, and at such place as the by-laws of said corporation shall direct; and at such election shall take place, George T. Young, James Vosseller and Theodore W. Young, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation or otherwise, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancy, how filled.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day named for that purpose, the said corporation shall nevertheless be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of the stock due to and from the said corporation, and the amount of the assets and property belonging to said corporation, as the same can be ascertained.

Principal office.

6. *And be it enacted*, That the meetings of the directors shall be held at such time and place as the board of directors or their by-laws shall from time to time designate; but said corporation shall keep an office in the county of Essex, and shall there have such books of account as may be necessary to afford full information of its transactions, and shall always be open at reasonable hours for the inspection of the stockholders; and that books of transfer of

also be kept, and shall be evidence of the ownership of in all elections and other matters submitted to the decision of the stockholders of said corporation; and that the company may, in addition to their office in the county of Somerset, have and maintain an office in the city of New York for the transaction of business.

*And be it enacted*, That the said corporation hereby How dissolved may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *pro- Provide.* That at least three-fourths in value of the stockholders concur therein; and upon such dissolution the directors at the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling of the affairs of the company, collecting and disposing of all its property and assets, paying its debts and distributing its surplus among the stockholders, in proportion to their respective shares or interest in the stock.

*And be it enacted*, That this act shall take effect immediately.  
Approved March 7, 1872.

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## CHAPTER CLXVIII.

Act to incorporate the Monmouth Beach Company.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Anthony Q. Keasbey, Daniel Corporators. Cortlandt Parker, Jno. Davidson, David Hoadley, J. Brown, Ed. A. Walton, Francis Mackin, A. G. Cattell, J. W. Jones, Frederick S. Winston, J. Smith Homans, and John Torrey, junior, and such other persons as may hereafter associate with them, be and they hereby constituted and declared to be a body corporate and existent in fact and in law, by the name of "The Monmouth Name. Company," and in that name shall have a corporate seal and sue and be sued, and shall have power to purchase, improve, lease, rent and sell real and personal estate or

any interest therein, and to open books of subscription at any time and place, in the county of Essex, as they may determine; and until other directors are chosen, the said thirteen directors hereinabove mentioned, shall be the first directors of said company, and shall have full power to make by-laws and transact such other business as may be consistent with this act.

Capital stock,

2. *And be it enacted*, That the capital stock of said company shall consist of one thousand shares of one hundred dollars each, with liberty to increase the same from time to time to an amount not exceeding ten thousand shares, which shall be deemed personal property, and be transferred in such manner as the company may by their by-laws determine; and as soon as one thousand shares are subscribed and paid for, per centum thereon shall be paid in to said corporation by a majority of them, or secured to be paid, it shall and it shall be lawful for the said corporation to proceed to carry into effect the objects of this act; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively such installments, at such times and in such proportions, as they may deem proper, not exceeding (\$20.00) twenty dollars on each share at any one time, of which shall be given at least thirty days before such installments are required to be paid; and it shall be lawful for said company to issue certificates of stock in whole or in part for any real or personal estate purchased by said company, and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur forfeiture of his or her shares, and of all previous payments thereon, for the benefit of the company.

Board of directors to manage affairs.

3. *And be it enacted*, That the property and affairs of said company shall be managed by a board of thirteen directors, shareholders in said company, a majority of whom shall be residents of this state, who shall be chosen annually at such place in the state of New Jersey, and at such time and in such manner and upon such notice, as the by-laws of said company shall direct, each share of the capital stock of said company shall entitle the holder to one vote, either in person or by proxy; said directors to hold office until others are elected in their place; a majority of said directors shall constitute a quorum competent to transact all business; said directors shall choose

ir number to be president, and may appoint such other President.

cers and agents as they may deem expedient.

. *And be it enacted*, That the president and directors of May purchase and hold real estate.

l company be, and they are hereby authorized and invested  
h all the rights and powers necessary and expedient to  
chase, hold, use and improve, rent, lease, sell and dispose  
real or personal estate, or any interest therein, in the state  
New Jersey, to survey such real estate as they may pur-  
se, to lay it out in such lots, to lay out and establish or  
ate thereon such streets or lines of division, and to sell it  
uch lots, and at such prices as shall to said company seem  
t calculated to improve and build up said property or  
erties, and to transact all business connected with the  
rying out the object of said corporation.

. *And be it enacted*, That any conveyance, deed, lease, Deeds, &c.,  
reement or other instrument signed by the president and binding on  
asurer of said company, and duly sealed and acknowledged company.  
ording to the laws of New Jersey, shall have full force  
effect to bind said company to all the covenants and con-  
ons therein contained.

. *And be it enacted*, That for the purpose of restricting May insert  
sances, and of compelling a uniform system of improve. clauses, &c., in  
nts in lands belonging to them, the said company are hereby deeds, forbid-  
thorized and invested with full power to incorporate into ding sale of  
y deed of conveyance made by them, whether fee simple liquors, &c.  
otherwise, a clause or condition forbidding the sale upon  
premises so conveyed by said company of any spirituous  
intoxicating liquors, and forbidding any nuisance which  
said company may deem detrimental to the interests and  
perity of said settlement, and to require any grantee of  
d company to make and maintain such style and charac-  
of improvements on said lots so conveyed, or on the streets Improve-  
nting thereon, as to the said company may seem most ex- ments.  
cellent for securing a uniform system of development and  
rovement of their property.

. *And be it enacted*, That for the purpose of enforcing Forfeiture for  
provisions of the last section, the said company are hereby non-fulfil-  
thorized and invested with power to attach to said clause ment, &c.  
restrict nuisances and regulate improvements a penal sum  
ch said grantee shall forfeit upon any non-fulfillment or  
n compliance therewith, and the said sum the said company  
y recover in any court of record having competent juris-  
tion in actions of debt.



Dividends.

8. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the profits of said company.

May borrow money and issue bonds.

9. *And be it enacted*, That the said company may borrow such sum or sums of money, from time to time, as shall be necessary to carry out the objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and may secure any of said bonds by mortgage on the lands, privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum.

How dissolved

10. *And be it enacted*, That the said corporation may be dissolved at any time by a general meeting of the stockholders, specially summoned for that purpose by the president of said corporation, by direction of the board of directors of a majority of them; *provided*, that at least two-thirds in value of the stock be represented at said meeting, and upon the dissolution, the directors for the time being, or the survivor or survivor of them, shall be trustees for settling all the affairs of said corporation, and dividing the surplus among the stockholders in proportion to their respective interest therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose; in which case the persons so appointed shall be trustee or trustees for the purpose aforesaid.

Penalty for injuring works.

11. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the buildings or any other works or property of the said corporation, such person or persons shall forfeit or pay therefor, to the said corporation, three times the amount of damages sustained by the means thereof to be recovered in the name of the said corporation, with the costs of suit, in any court having cognizance thereof.

May subscribe and take stock, &amp;c. in canal, railroad and turnpike companies.

12. *And be it enacted*, That the said company shall have power to subscribe for and take stock in, or purchase the bonds of, any canal, railroad, turnpike or other highway now is or hereafter may be incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by the said company; and that said company may subscribe for or take stock in, or purchase the bonds of, any manufacturing, mining or other company that now is or hereafter may be incorporated or established by the laws of this state.

13. *And be it enacted*, That in case it shall at any time appear that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall elect.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLXIX.

Act to incorporate the Equitable Fire Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That R. W. Woodward, E. G. Snow, J. Truse, junior, J. B. Cleveland, A. H. DeMotte, and all others who may become associated with them as stockholders, as hereinafter provided, their successors or assigns ever, be and they hereby are created and made a body corporate and politic, under the name of "The Equitable Fire Insurance Company of New Jersey," for the purpose of making insurance on dwellings, houses, stores and all kinds of buildings, and upon household furniture, merchandise and other property, against loss or damage by fire, and upon the risks of inland navigation and transportation, and against loss or damage from any cause whatever; this company shall have power to make reinsurance upon all or any of the risks taken by them.

2. *And be it enacted*, That this company, by its title aforesaid, shall be known in law, and have power to sue and be sued, to defend and be defended in all courts, whether in law or in equity, and by that name may have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature

or kind soever, necessary or convenient for the purpose of this corporation, and the same to grant, devise, alien, dispose of at pleasure for the benefit of the said company, and may also have a common seal, and the same to alter, renew at pleasure; and also to create and establish such laws, rules and regulations, and appoint such officers, committees, and delegate to them such powers as they may deem necessary and expedient for the government of said corporation, and to put the same in execution; *provided* the same be not contrary to the laws of this state and of the United States.

Proviso.

Capital stock. 3. *And be it enacted*, That the capital stock of the company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and fifty thousand dollars shall have been actually subscribed and paid in cash, the said company may organize and proceed to business under this act.

Investment of capital stock.

4. *And be it enacted*, That the capital stock of the company, and the funds accumulated by its business, or part thereof, shall be invested and be changed and reinvested as occasion may from time to time require, in, and made upon bonds and mortgages on real estate within the state of New Jersey, and the bonds and stocks of the state and of the United States, and such other securities as the board of directors may approve; and it shall be lawful for said company to take and receive any real estate, and mortgage, or other security, in payment towards satisfaction of any debt previously contracted with or due to said company, except for any subscriptions to its capital stock; and the real estate to mortgage, and with securities to sell, exchange, or otherwise dispose of for the benefit of said company.

Principal office.

5. *And be it enacted*, That the principal office of said company shall be located in the city of Jersey City, and the stock, property, business and affairs of said company shall be managed and conducted by a board of directors, a majority of whom shall be residents of New Jersey, who shall be stockholders, and who shall respectively hold their office for the period of one year, and until their successors shall be elected and installed in office; such directors shall be elected in the month of January of each year, at such time and place in the city of Jersey City as a majority of the directors may appoint, and notice of such election shall be published.

Election of directors.



in two of the newspapers published in the city of Jersey City for at least one week previous to said election; such election shall be by ballot, and be determined by a plurality of votes; one vote shall be allowed for every share of stock, and the stockholders may vote by proxy; if it shall happen that an election of directors shall not be made at any time when, pursuant to the provision of this charter it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors in such manner as shall or may be regulated by the by-laws and ordinances of the said corporation; all vacancies may be filled by the board of directors; the board shall consist of not less than seven nor more than fifteen directors, but the number may be changed by a vote of two-thirds of the number in office at any time; *provided*, the said board of directors determine on such change, and fix the number to be elected at the next election, at least two weeks previous to any stated election of directors, and give notice thereof in two newspapers, at least once a week, for two weeks immediately preceding such stated election; and if any director shall cease to become a stockholder, his office shall thereupon become vacant; one-third of the number of directors shall constitute a quorum for the transaction of business.

Failure to  
elect not to  
dissolve.

Provido.

6. *And be it enacted*, That Thomas P. Sherwood, John H. Westervelt are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and as soon as five hundred shares are subscribed, the said commissioners, or a majority of them, shall, by public notice published in one or more of the papers published in Jersey City for one week, call a meeting of the stockholders for the purpose of choosing the first board of directors.

Commission-  
ers to receive  
subscriptions.

7. *And be it enacted*, That the directors of said company may elect from their own number or otherwise, a president and vice-president annually, after the first election, by a majority of votes, and in case of death, resignation or removal, the board shall have power in the same manner to fill the vacancies so created, and the board of directors may appoint a secretary and assistant secretary, and such other officers, agents and clerks as may be deemed necessary for transacting the business of the company, and to fix and at pleasure to change the salaries or compensation allowed to them; and they may also delegate powers to transact any of

Officers.

May make  
contracts of  
insurance.

Policies bind-  
ing.

Suits at law.

Dividends.

its business to committees of directors, or to officers or agents, as it shall deem proper; the president, vice-president, or other person appointed by the board of directors for that purpose, shall be authorized in the name and behalf of this company to make contracts of insurance with any person or persons, or body politic or corporate, against loss or damage upon any property on which this company may lawfully make insurance, for such term or terms of time and for such premium or consideration, and under such modifications or restrictions as may be lawfully agreed to by the parties; the policies issued pursuant to such contract of insurance, shall be signed by the president or vice-president and countersigned by the secretary of said company, or the same may be signed and countersigned by such other person or persons as the directors may appoint and designate for that purpose; such policies shall be binding and obligatory in like manner and force as if made under the seal of this company.

8. *And be it enacted*, That suits at law may be maintained by this corporation against any of its stockholders for any cause relating to its business, and may also, be maintained and prosecuted by any one or more of its stockholders against this company for any loss or losses which shall have accrued if payment be withheld more than sixty days, in all risks, after such losses shall have become due.

9. *And be it enacted*, That the board of directors, out of the funds of said company, shall defray its expenses, and pay its debts; and twice in each year may declare and pay out of the surplus net profits of its business, to its stockholders or their authorized attorneys, such dividends as they shall deem expedient, of which dividend, notice shall be given within ten days after declaring same, in two daily newspapers published in the city of Jersey City.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

## CHAPTER CLXX.

An Act to set off from the township of Mansfield, in the county of Burlington, a new township, to be called the township of Florence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township <sup>Boundaries.</sup> of Mansfield, in the county of Burlington, lying within the following boundaries, to wit: beginning at the point where Sinkora creek empties into the Delaware river, and running from thence up the said creek, the several and many courses thereof, to the middle of the bridge on the Old York road, crossing said creek; thence on a southeasterly course to the middle of a bridge, commonly called Bunting's bridge, over the Assiscunk creek, on the road leading from Jacksonville to Rustleton; thence down the said creek the several and many courses thereof, to the corner of Burlington township; thence eastwardly along the said line of Burlington township to the river Delaware; thence up the said river, the several and many courses thereof, to the place of beginning, shall be and hereby is set off from the township of Mansfield, in the county of Burlington, and made a separate township, to be known by the name of the township of Florence.

2. *And be it enacted*, That the inhabitants of the township of Florence shall be, and they are hereby, constituted a body <sup>Corporate name.</sup> politic and corporate in law, by the name of "The Inhabitants of the Township of Florence, in the County of Burlington," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities that the inhabitants of the township of Mansfield, first aforesaid, are now entitled or subject to by the existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Florence, aforesaid, shall hold their first town meeting <sup>Time and place of holding first town meeting.</sup> at Moore's hotel, in Florence, in said township, on the second Tuesday in March, anno domini one thousand eight hundred and seventy-two, at ten o'clock in the forenoon, and annually hereafter on the second Tuesday in March, at such place as the said inhabitants may determine.



Committees  
meet to allot  
and divide  
moneys, &c.

4. *And be it enacted*, That the township committees of townships of Mansfield and of Florence shall meet at Atson's hotel, in the township of Mansfield, on the Monday succeeding the annual town meetings in said township of Mansfield and of Florence, at ten o'clock in the forenoon said day, and then and there proceed, by writing signed by a majority of those members present, to allot and divide between the said townships, all properties and moneys on hand or in proportion to the taxable property and ratables, as taxed by the assessor of the township of Mansfield, within their respective limits, at the last assessment; and the inhabitants of the township of Mansfield, and the inhabitants of the township of Florence, shall be liable and required to pay the just proportion of the debts respectively; and if any of the persons comprising either of the township committees aforesaid should neglect or refuse to meet as aforesaid, the assembly assembled may proceed to make the said division, and shall have full power to adjourn from time to time, and to do all things in place as they think proper, and the decision of a majority of those members present shall be final and conclusive..

Terms of office

5. *And be it enacted*, That of the township committee of commissioners of appeal chosen at the first town meeting, the inhabitants of the township of Florence, one member of the township committee and one commissioner of appeal shall serve for three years, one member of the township committee and one commissioner of appeal shall serve for two years, one member of the township committee and one commissioner of appeal shall serve for one year, their terms of service to be determined by themselves by lot; and thereafter at each annual town meeting, one member of the township committee and one commissioner of appeal shall be elected for the same years.

Vacancies,  
how filled

6. *And be it enacted*, That in case at any town meeting of the inhabitants of the township of Florence, two or more candidates have an equal number of votes, or in case a person elected shall refuse to accept of the office to which he was elected, or in case of the removal of any officer from the township, or in case a vacancy occurs from any other cause, it shall be the duty of the township committee of the said township, (unless they shall deem a special town meeting for the purpose advisable, and in that case they shall have power to direct the calling of a special town meeting as now provided by law,) to fill such vacancy without

cessary delay; and immediately after they shall have made any such appointment, they shall notify the clerk of the township, who shall enter the same on the township book containing the minutes of the proceedings of town meetings, and shall also notify the person or persons so appointed or chosen, and shall transmit a statement thereof to the clerk of the county.

7. *And be it enacted*, That John I. Bishop, of the township of Mansfield, and Alfred Carty, of the township of Florence, be and they are hereby appointed commissioners to run and mark the dividing line of the townships of Mansfield and Florence, and that the expenses and reasonable compensation of said commissioners be equally paid by said townships.

8. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1872.

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## CHAPTER CLXXI.

An Act to incorporate the Park Ridge Building Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That Henry C. Neer, John A. Mauvelt, Peter D. Brower, David M. Demarest, Isaiah B. Selter, Abraham Hopper, Daniel W. Demarest, John Perry, William English, Henry Storms, Andrew Hopper, Barney Cole and Harvey R. Cope, and all such persons as may hereafter be associated with them, their successors and assigns, shall be, and the same are hereby constituted and declared a body corporate and politic, in fact and in law, by the name "The Park Ridge Building Association;" and by that name shall be capable in law of purchasing, using, letting, holding, improving, disposing of, mortgaging and conveying any lands, tenements, hereditaments and appurtenances there-

Dividing line  
to be run and  
marked.

Repealer.

Corporators.

Name and  
powers.

to belonging, in the township of Washington, county of  
gen; of improving the same by erecting, or causing  
erected thereon, buildings of every name, kind and de  
tion, and for all proper and legitimate uses and purpos  
by laying out such lands and real estate into lots; of l  
out and opening streets, roads or highways, either pub  
private, through and both to and from their own prop  
maintaining and keeping in order the same by such rule  
regulations as may be necessary in order so to do; a  
performing all other acts necessary or proper for accom  
ing the objects of the said corporation hereby granted  
may receive and make all deeds, transfers, conveyances,  
nants, grants, contracts, agreements and bargains whate  
necessary for the said purposes.

**Capital stock.** 2. *And be it enacted,* That the capital stock of the  
association shall be twenty thousand dollars, divided  
shares of one hundred dollars each; but as soon as  
thousand dollars of said stock shall have been subscribed  
shall be paid in, or secured to be paid in, it shall be l  
to carry into effect the objects of said association; a  
shall be lawful for the directors of said association to ca  
demand from the stockholders thereof respectively, su  
installments, and at such times and in such proportions  
upon such notice as they may deem proper; and in c  
failure by any stockholder to pay his or her installme  
installments, as the case may be, at the time and plac  
pointed for the payment thereof, or within thirty days  
after, such stockholder shall, if the association shall  
rect, incur a forfeiture of his or her share or shares, a  
all previous payments made thereon, for the use of the  
ciation.

**Stock, how transferable.** 3. *And be it enacted,* That the capital shall be de  
personal property, and the said shares shall be transfe  
only on the books of the association, in such manner  
board of directors, by their by-laws may direct; and  
share of stock shall entitle the holder thereof to one  
either in person or by proxy.

**Election of directors.** 4. *And be it enacted,* That the stock, property and  
cerns of the said association shall be managed and cond  
by a board of not less than five nor more than seven  
tors, a majority of whom shall be residents of this sta  
of whom shall be stockholders, and one of whom sha  
president; who shall hold their offices respectively fo

year, and until others are elected; that the said directors shall be chosen on the last Tuesday in May in every year, at such time and place as shall be provided for by the by-laws of said association, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and notice of the time and place of such election shall be published not less than three weeks previous thereto, in a newspaper published in the county of Bergen; that a majority of said board shall be a quorum to transact business; that the said directors shall from time to time elect and employ such officers as they may deem necessary, which officers shall receive such compensation for their services as the said directors may deem proper; that said directors may fill vacancies in said board until the next annual election; and that the incorporators named in this act shall be the first directors of said association, who, or a majority of them shall, as soon as convenient after the passage of this act, assemble and organize said association, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Vacancy, how filled.

5. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said association shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said association shall direct.

Failure to elect not to dissolve.

6. *And be it enacted*, That the said association may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the association, collecting or disposing of its property, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

How dissolved

Proviso.

7. *And be it enacted*, That it shall be lawful for the legislature of this state to alter, modify and repeal this act whenever the public good may require it.

Legislature may repeal.

8. *And be it enacted*, That the principal office of said association shall be at Park Ridge, in the county of Bergen.

Principal office.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

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### CHAPTER CLXXIII.

Supplement to an act entitled "An Act to incorporate Middletown Point and Keyport Gas Light Company," approved March thirteenth, one thousand eight hundred sixty-two.

*Increase of capital stock.* 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the said company may increase its capital stock to any sum not exceeding one hundred thousand dollars.

*May borrow money.* 2. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as they shall deem necessary for the use of the company, and to secure the payment thereof by bonds with mortgage, or otherwise, on the property of the company, at a rate of interest not exceeding seven per centum annum; *provided*, that the amount of such bonds shall at any time exceed the sum of ten thousand dollars.

*Proviso.* 3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.



## CHAPTER CLXXIV.

A Supplement to an act entitled "An Act to incorporate the Union Car Spring Company," approved March seventeenth, eighteen hundred and sixty-five.

WHEREAS, the said company have absorbed five thousand shares of its capital stock in the sale of certain patent rights owned by said company therefor, and it has become desirable and expedient in the estimation of the directors of said company to reduce its present capital stock to five thousand shares; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of said Union Car Spring Company to reduce the present capital stock of said company to five thousand shares, so that the capital stock of said company shall thereafter consist of and be divided into five thousand shares of one hundred dollars each; *provided however*, that nothing in this act contained shall impair or be construed to impair the rights or property of any existing stockholder of said company. May reduce capital stock.

Approved March 8, 1872. Proviso.

## CHAPTER CLXXV.

Supplement to an act entitled "An Act to incorporate the Fireman's Fund Fire Insurance Company, of the City of Hudson, County of Hudson, State of New Jersey," approved March twenty-seventh, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Fireman's

Name changed.

Fund Fire Insurance Company, of the City of Hudson, New Jersey," be, and the same is hereby changed to that of "Palisade Fire Insurance Company, of Jersey City," and by the latter name shall have, hold and receive all real and personal property, and enjoy all rights, powers, privileges and immunities, as if this act had not been passed, except as hereinafter stated.

Directors to manage affairs.

2. *And be it enacted*, That the stock, property, affairs and concerns of said company shall, after the expiration of the term of the first board of directors, be managed and conducted by twenty directors, seven of whom shall constitute a quorum to transact business, who may respectively hold their office for one year, and until others shall be chosen, and shall at all times during their continuance in office be stockholders in the same company in their own right.

First directors

3. *And be it enacted*, That the first directors of the said corporation shall be Garret D. Van Reipen, Dennis Yocum, Charles Gobish, John M. Wilson, Thomas Aldridge, Charles J. Roe, John H. Platt, George Glaubrecht, John R. McPherson, Alexander Frank, Charles E. Newham, Christian Weber, Joseph E. Culver, William A. Weeks, Patrick McNulty, Alexander H. Laidlan, William H. Wood, Henry M. Rogers, Arend Steenken, Charles F. Staples, Henry Gaede, George Bruce, James Sillick, Otto Koller, John Dwyer, Ferdinand Hermann, Henry Rottmann, John Bernhardt, Anthony Ryder, Samuel Syms, William Sinclair, John Fiacre, William Brinkerhoff, Samuel C. Nelson, George W. Helme, Andrew J. C. Foye, Garret Vreeland, senior, Harry D. Van Nostrand, Matthew Armstrong, Peter Rowe, Frederick Thau, Edmund C. Bramhall, Hiram Van Buskirk, Charles W. Allen, Jasper Wandle, Stephen D. Harrison, Andrew B. Gayle, Jonathan Camp, junior, Christian Helme, Marcus Martens, Henry Bock, Charles L. Menke, Claus Myer, John Gardner, Nicholas Goeltz, Herman Bruggermann, John S. Edwards, George P. Howell, John D. Waugh, Clinton W. Conger, George A. Toffey, Jacob Newkirk, Charles Hespe, Herbert Stout, Ernest H. Kessler, John Noon and Charles Gregory, who shall respectively hold their offices until the second Monday in January next, succeeding the day of the actual organization of the company, on which said second Monday of January, and each succeeding January thereafter, the subscribers to the capital stock shall proceed to the election of a board of directors for said company; that the first board of directors may, and every

succeeding board of directors shall elect a president, a vice president, a treasurer and secretary, and appoint such other officers as may be necessary to manage the business of the company, and who shall respectively hold their office till their successors are elected or appointed; *provided*, that nothing herein contained shall be understood to prohibit any director from holding his office as a director of said company till his successor is elected in his stead. Directors, officers, &c.  
Proviso.

4. *And be it enacted*, That it shall be lawful for the directors of said corporation to make dividends of so much of the property of the company as shall be deemed advisable, and pay the same to the stockholders or to their legal representatives. Dividenda.

5. *And be it enacted*, That the ninth section of the act to which this is a supplement, and all parts of said act as are inconsistent with this act, be, and the same are hereby repealed. Repealer.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

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## CHAPTER CLXXVI.

### An Act to incorporate the Land and Town Improvement Company of New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Cortlandt Parker, Alfred W. Jones, Richard M. Cornell, William Bell and Branard T. Arnold, their associates, assigns and successors, are hereby declared and created a body politic and corporate, by the name, style and title of "The Land and Town Improvement Company of New Jersey," with all the powers mentioned in the act entitled "An Act concerning corporations," and the several supplements thereto, approved February the fourteenth, one thousand eight hundred and forty-six. Corporators.  
Name.

2. *And be it enacted*, That said company, its affairs, stock,

Board of directors.

property and franchises shall be managed by a board of directors consisting of not less than five nor more than eleven of the stockholders thereof, the number to be determined hereinafter stated, to be chosen as hereinafter specified, who shall hold office for one year from the date of election, and until their successors are elected and installed, and who shall appoint from their own number a president, and may appoint other officers and agents, in their discretion, for the purpose of the company.

May hold real or personal estate, &c.

3. *And be it enacted*, That said company shall have power and authority to buy, sell, convey, transfer, let, sub-let, lease and sub-lease, hold, possess and enjoy, any estate, real and personal, and to give and receive mortgages and guarantees thereon, and for the purpose of improving said real estate, shall have the power and authority to survey, lay off and map the same into town sites, villas, squares, parks, gardens and orchards; first, and shall have the power and authority to erect thereon, residences, stores, factories, work shops, and other manner of buildings; second, shall have the power and authority to survey, lay out open streets, avenues and highways thereon; third, and shall have the power and authority to establish the grades of streets, avenues and highways, and to pave, curb and gutter the same; and to construct sewers, lay water and gas pipes, and to erect water and gas works, and operate the same, and to make and enjoy all, and such other improvements on the said lands of the company that may be owned, leased and sub-leased by said company.

May assign and transfer right and privileges.

4. *And be it enacted*, That when five or more of the stockholders in this company shall associate themselves together for the purpose of buying or leasing any portions of the company's lands, to further improve and develop the same, this the said company is hereby empowered and authorized, in conjunction with said sale or lease, to transfer and assign unto said associated stockholders the right and privilege to exercise all the powers herein granted this company, so far as the same may be desirous and applicable for the improvement of the lands so sold or leased.

Objects.

5. *And be it enacted*, That the objects of this, the said company, are to improve real estate, to afford the members thereof, and others interested, the opportunity to procure cheap and desirable homes and suitable employment, and to further the general development of landed interests and

prosperity of the people suburban to New York; and for such purposes the said company shall have the power and authority from time to time to borrow any sum or sums of money as may be required, and to secure the payment thereof, may execute first and second mortgage bonds or otherwise; and the said bonds shall be a first and second lien on the real estate, rights and franchises of said company, to the extent as specified in the body of the bond; and said bonds shall bear an interest not exceeding seven per centum per annum. May borrow money.

6. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to two millions of dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and the said named incorporators, or a majority thereof, shall constitute a commission to open books of subscription therefor, by first giving twenty days public notice previous thereto, and when the sum of ten thousand dollars shall have been subscribed, and ten per cent. paid thereon, the said company shall be authorized to begin business; and after the first payment of ten per cent. shall have been made on the capital stock, the remainder shall be paid in monthly installments of five per cent., and in case of non-payment of said installments for two consecutive months, the board of directors may forfeit the share or shares on which default may arise, as well as all sums paid thereon, to the use and benefit of said company. Capital stock.

7. *And be it enacted*, That to further encourage and advance the objects of this, the said company, all the powers, privileges and immunities heretofore granted by the legislature of the state of New Jersey, in an act entitled "An Act to encourage the establishment of mutual loan and building associations," approved February twenty-eighth, eighteen hundred and forty-nine, and the supplements thereto, approved March the second, eighteen hundred and fifty-four, and March twenty-ninth, eighteen hundred and fifty-five, and an act entitled "An Act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty-seven, be and the same are hereby incorporated into this charter, and granted unto this, the said company, so far as the said acts, and the powers therein granted, may be desirable and applicable, and of benefit to this company. General powers.

Principal of-  
fice.Election of di-  
rectors.

Repealer.

8. *And be it enacted*, That the principal office of said company shall be in the city of Perth Amboy, until the board of directors shall otherwise order; and that the first subscription books to the capital stock, shall be opened in said city, in manner, form, and at the time as may be selected by said commissioners, and that at any time after the necessary amount of stock has been subscribed for, and the said ten per cent. paid thereon, the stockholders, or a majority thereof, may proceed to the election of a board of directors by ballot, and the five stockholders receiving the highest number of votes, shall be declared the first directors of said company; and that said five directors may at any time increase their board to eleven, and that all other elections shall be in the manner, form and at such times as may be by-laws of said company may prescribe, and that at all elections, each share of stock shall be entitled to one vote, to be given in person or by proxy.

9 *And be it enacted*, That this act shall take effect immediately, and any acts or parts of acts inconsistent with this, so far as the same applies to the lands of this company be and the same are hereby repealed.

Approved March 8, 1872.

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## CHAPTER CLXXVII.

An Act to incorporate the Carlstadt Fire Department of Hudson county.

Corporators.

Name and  
powers.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Joseph Fortenbach, A. J. Bauer, Adam Ruttenger, Franz Fritsch, Peter Lochman, Theodore Muehling, Julius Hermann, and all persons who now or hereafter shall become associates of the Carlstadt Fire Department of Bergen county be, and they are hereby constituted and declared to be a body corporate and politic in fact and in law, by the name of "The Carlstadt Fire Department of Bergen County," and by such name they shall

have succession, and be persons in law capable of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatever; and they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure, and by their corporate name aforesaid, and under their common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of ten thousand dollars, to be applied to the purchase and holding of real estate, and to the procuring of such implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure property from injury or destruction by fire; and shall have power to borrow such sum or sums of money as may be necessary to pay for the same, and to secure the payment thereof by bond and mortgage, or otherwise, on the said real and personal estate. Capital stock.

3. *And be it enacted*, That the said company shall elect annually out of their own body a president, and such other officers as they shall deem necessary for conducting their affairs, according to their constitution and by laws, and that the president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor, and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due to the said company. Officers.

4. *And be it enacted*, That the property of said department held under this act shall be free and exempt from all taxes and assessments, and the members exempt from jury duty and poll tax; and that the department has the right to take water out of cisterns, in case of necessity. Property exempt from taxation.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.



## CHAPTER CLXXVIII.

An Act to incorporate the United Order of Co-operators  
the city of Paterson.

1. BE IT ENACTED by the Senate and General Assembly  
the State of New Jersey, That Thomas Boydell, Edm  
Corporators. Stansfield, John Romary, James Smith, Thomas Ed  
Richard Walters, Joseph Pearson, John Saxon, John Wh  
head, Frederick W. Stansfield and Robert Wilding, their  
sociates, successors and assigns, shall be and they are her  
declared to be a body politic and corporate, in fact and  
Name and ob- law, by the name of "The United Order of Co operators  
ject- the city of Paterson," for the purpose of carrying on the tr  
or trades of general and retail dealers, merchants and p  
ducers, in order to enable its members to purchase food,  
and clothing and other necessities and conveniences of  
on the most favorable terms, and for that purpose may l  
such real estate as may be necessary to carry on said b  
ness, or may accrue to them in the course thereof, and r  
sell, mortgage, lease or otherwise dispose of the same ;  
the said corporation may sue and be sued, plead and be  
pleaded in any court of law or equity, may adopt a com  
seal, and alter the same at pleasure, and possess gener  
all the powers and be subject to all the liabilities of corp  
tions under the laws of this state ; the said corporation t  
located at Paterson, in the county of Passaic, in this st  
Capital stock. 2. And be it enacted, That the capital stock of said  
poration shall be twenty five thousand dollars, divided  
shares of ten dollars each, and the aforesaid incorporat  
or their successors, are hereby appointed commissioner  
receive subscriptions, to said capital stock, at such plac  
the city of Paterson, as a majority of them may appo  
giving at least five days notice in at least three public pl  
in said city, each subscriber to said capital stock to pay  
per cent. on each share taken at the time of his subsc  
tion, and not less than fifty cents for each share every w  
until such share or shares are fully paid up ; and as soo  
one thousand dollars shall have been subscribed and



in, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business as contemplated under this act.

3. *And be it enacted*, That the business of said corporation shall be managed by a president, secretary, treasurer and five directors, all of whom shall be stockholders, who shall hold their office for six months, and until others are elected in their stead, and semi-annually thereafter, at such time and place as the by-laws may direct an election to be held, at which election every stockholder present shall be entitled to one vote only, and no more. Affairs, how managed.

4. *And be it enacted*, That the said corporation shall have power to make by-laws for its government, not inconsistent with the laws of this state or of the United States; and the board of directors may appoint such subordinate officers and employees as the business of the corporation may require, and determine the salaries of such officers or employees, and the amount of bonds to be given, and shall have power to discharge or suspend any such officer or employee for incompetence or malfeasance in office. Powers of directors.

5. *And be it enacted*, That the stock of the said corporation shall be deemed personal property, and shall be transferred in such manner as the by laws may prescribe; but no dividend shall at any time be made to the stockholders except from the net earnings of the said corporation. Stock, how transferable.

6. *And be it enacted*, That whenever in the judgment of the board of directors it shall be expedient to increase the paid in capital of the said corporation to any amount not exceeding the amount limited by this act, the said board shall give at least ten days' previous notice in three public places in the city of Paterson, of their readiness to receive subscriptions for said increased stock; and the terms of said subscription shall be fixed and determined by the said board of directors and notice given as above directed. May increase capital stock.

7. *And be it enacted*, That regular books of account shall be kept in the office of said corporation at Paterson, to which books every stockholder shall have free access at all reasonable times, for the purpose of inspection. Books of account to be kept.

8. *And be it enacted*, That this act shall take effect upon its passage.

Approved March 8, 1872.

## CHAPTER CLXXIX.

An Act to incorporate the Rittenhouse Manufacturing  
pany.Corporate  
name.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all persons who shall be subscribers to the capital stock hereinafter mentioned, successors and assigns, shall be and they hereby are constituted and made a corporation and body politic, in fact and in law, by the name of "The Rittenhouse Manufacturing Company."

Amount of  
capital stock.

2. And be it enacted, That the capital stock of said corporation shall consist of two thousand shares of the par value of one hundred dollars per share, with the privilege of increasing the same to five thousand shares, which shall be transferred in such manner as the said corporation may direct.

Commission-  
ers to receive  
subscriptions.

3. And be it enacted, That Samuel W. Torrey and Henry C. Chetwood shall be, and they hereby are appointed commissioners to receive subscriptions to the capital stock of such corporation, and they or either of them, shall open an office of subscription to such stocks at the village of Passaic, in the county of Passaic, at such time and place as they may think proper; either of them shall appoint, and shall attend and receive the subscriptions.

Election of di-  
rectors.

4. And be it enacted, That whenever the capital stock of said corporation to the amount of one hundred thousand dollars par value shall be subscribed, and twenty per cent thereof paid in, the said commissioners, or which ever of them, shall close the same and hold an election for directors of said corporation, first giving notice thereof one week previously, and in a newspaper published in the county of Passaic; that three directors shall be elected by ballot at such election by the stockholders, each of whom shall hold one share at such election and all subsequent elections one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the number, or such number as the corporation may by its laws appoint, shall constitute all subsequent boards;

case of a vacancy occurring in the board between the elections, the remaining directors shall have power to fill the vacancy; the said directors so elected shall hold their office for one year, and until their successors shall be elected.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president, for such term and in such manner as they shall appoint.

6. *And be it enacted*, That the said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation, and all moneys received by them for such subscriptions; and said directors shall by their by-laws appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but the said election shall be held on some subsequent day, and the directors in office shall continue until such election.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation, the money for such subscriptions, or for any increase of its capital, or any assessment thereupon; and in case of the failure to pay such subscriptions, calls, or assessments, at such time as they may appoint, the said board may, after four weeks notice in a newspaper published in the county of Passaic, declare the said stock and all previous payments thereupon forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same shall be forfeited and belong to the said corporation.

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three-fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice published once a week, for four successive weeks in a newspaper published in the county of Passaic, and upon such dissolution the directors or such persons as the stockholders shall appoint, shall be trustees, and as such shall have full power to realize, sell and convey, and collect the assets of the said corporation, real and personal, and pay its debts and divide the surplus among its stockholders pro rata.

9. *And be it enacted*, That the said corporation shall have power to carry on the business of manufacturing and dealing in cotton, woolen and silk fabrics, and other articles, and for such purpose may buy and hold, sell and convey, lease and mortgage, the necessary real and personal property, and

by water, steam and such other power as they may  
 may carry on manufacturing and milling operations.  
 General powers. 10. *And be it enacted*, That the said corporation  
 possess the general powers and be subject to the res-  
 and liabilities contained in the act entitled "An Act  
 concerning corporations," approved February fourteen  
 teen hundred and forty-six, so far as the same are ap-  
 10. *And be it enacted*, That this act shall take ef-  
 mediately.

Approved March 8, 1872.

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## CHAPTER CLXXX.

An Act to incorporate the Bridgeton Water Company  
 county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly*  
 of the State of New Jersey, That David McBride,  
 Corporators. Kienzle, Eden M. Hood, James H. Trenchard, J.  
 Roork, Charles C. Grosscup and Charles R. Elmer,  
 other persons as may be hereafter associated with  
 their successors and assigns, shall be, and they are  
 ordained, constituted and declared to be a body po-  
 Name and powers. corporate, in fact and in law, by the name of "The  
 ton Water Company," and shall be capable of pur-  
 holding and conveying any lands, tenements, goods and  
 tels necessary or proper for the object of the corporation  
 hereby created.

2. *And be it enacted*, That the amount of the capital  
 Amount of capital stock. of said company shall be fifty thousand dollars, with  
 power to double the same, divided into shares of two  
 dollars each, which shall be deemed personal property  
 transferable in such manner as the said corporation,  
 by-laws, shall direct.

3. *And be it enacted*, That the above named persons  
 Commission- majority of them, shall be commissioners to open books  
 ers to open and receive sub-  
 books and re- scriptions.  
 ceive sub- scriptions to the capital stock of said corporation.

such time or times, and place or places, as they, or a majority of them, may think proper, giving at least ten days' notice of the same, in a newspaper published in the county of Cumberland; and that at the time of subscribing twenty per centum shall be paid for each share subscribed for to the commissioners, and as soon as twenty thousand dollars of the capital stock shall be subscribed, and twenty per centum paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders, to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any two of them, shall be inspectors of the first election of directors, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of the said directors shall be fixed by the persons named in the first section of this act; and the directors chosen shall hold office until the first Monday in May following their election, and until their successors are chosen; and there shall be an annual election of directors by the stockholders on the first Monday in May in every year, at such time and place as the directors, for the time being, shall appoint, whereof like notice shall be given as aforesaid; and said directors shall choose out of their number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the remaining directors, or a majority of them.

Election of directors.

4. *And be it enacted*, That in case it shall happen that an election shall not be made during the day when, pursuant to this act, it ought to be made, said corporation shall not, for that cause, be deemed to be dissolved, but an election may be held at any other time, on like notice as aforesaid; and the directors, for the time being, shall continue to hold their offices until others shall be chosen in their places.

Failure to elect not to dissolve.

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock

Failure to pay installments to forfeit shares.

of said company, by such installments, and at such times they may direct; and in case of non payment of such installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and scribe such by-laws, rules and regulations as to them appear needful and proper, touching the management and regulation of the stock, property, estate and effects of corporation; and also shall have power to appoint officers, clerks and servants as to them shall seem meet to establish and fix such salaries to said officers, clerk and servants, as to the said board shall appear proper; and have power to take from said officers, clerks and servants such security for the faithful performance of their respective duties as they may think proper.

**May make by-laws.** 6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and convenient, to survey and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, engines, force pumps and all other devices and work which they may deem necessary for supplying the city of Bridgeton with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the said president and directors, or others in their employ to enter at all times upon all lands or waters in the city of Bridgeton, and township of Deerfield, Cumberland county, and survey, search, excavate for water, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, engines, pumps and buildings, and all other necessary work and appendages thereto, doing no unnecessary damage to private other property; and when said location shall have been determined upon, the president and directors shall cause a map to be made of all lands, except streets now in use, which they require for the purpose aforesaid, and file the same in the office of the clerk of Cumberland county; and then it shall be lawful for the said company, by its officers, agents, managers, superintendents, contractors, workmen and others in their employ, to enter upon, take possession of, have, use, occupy, excavate, erect reservoirs, engines, fountains, houses, force pumps, and do all other things which shall be suitable or necessary for completing the works hereby com-

**Power to lay out sites for reservoirs, &c.**

**May enter on lands.**

**Maps to be made.**

plated, and keeping them in repair, subject to such compensation as is hereinafter provided for.

7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, the said company shall give notice to the persons interested, if known and in the state, or if such owner or owners be unknown or out of the state, by publication in one or more newspapers printed and published in the county of Cumberland, that they intend to make application to one of the judges of the court of common pleas in said county, on a day and at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding; to meet at such time and place as they shall designate, giving at least fifteen days notice of their said meeting, as herein before directed; and on the day so appointed, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said reports the metes and bounds of the lands assessed, which said report the said company shall have filed in the office of the clerk of Cumberland county, to remain on record therein, and a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner;

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in said company.

Proceedings  
in case of ap-  
peal.

8. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if said owner had summoned the said company to appear before them; and if the jury, upon trial of the cause, shall find a greater sum than the commissioners have awarded or the company offered in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute a lien upon the premises in question, which said lien shall have priority over any other incumbrance which said company may have given; but if the said jury shall find the same or less amount than the company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

Penalty for  
injuring  
works.

9. *And be it enacted*, That if any person shall knowingly, willingly or maliciously corrupt the water in any reservoir, tank, pipes, or other portion of said company's works, or wilfully injure or destroy, or cause to be done, any act or acts whereby to injure or destroy any conduit, pipe, cock, machine, tank, reservoir, works, buildings or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars or imprisonment not exceeding two years at hard labor or both; *provided*, such criminal prosecution shall not impair the right of action for damages by a civil suit, which is hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same.

Proviso.

Power to lay  
pipes in  
streets and  
erect hydrants

10. *And be it enacted*, That said company be and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues, and alleys, as they may deem necessary for the purposes aforesaid, free of all charge, to be made by any person or persons, or body



politic whatsoever for such privilege, and also such hydrants at the crossings or intersections of the said streets and alleys ; *provided*, that the said pipes shall be laid at least two feet Proviso. below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel, or damage public property ; and that the earth excavated in laying said pipes shall be replaced so that the surface of the ground shall be in as good condition as the same was before said excavations were made.

11. *And be it enacted*, That the said company may sell Annual rents. and dispose of the water issuing from said reservoirs, aqueducts or pipes, for such price or prices, as annual rents, and under such restrictions as they may think proper.

12. *And be it enacted*, That if the work of constructing Limitation. said reservoirs and appendages shall not be commenced within the term of six years from the date of the approval of this act, the same shall be null and void.

13. *And be it enacted*, That the said company shall have May borrow money. power to borrow money, not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds, or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgages upon their property, and franchises and privileges, and by such other assurances as they may deem expedient.

14. *And be it enacted*, That it shall be lawful for the city City of Bridgeton may subscribe for stock. of Bridgeton, in its corporate capacity, to subscribe to the capital stock of said company, in such amount as the mayor and common council of said city may think proper ; *provided*, Proviso. the amount so subscribed shall not exceed one-half of the whole amount subscribed and paid in.

15. *And be it enacted*, That it shall be lawful for the May purchase water works. city of Bridgeton at any time after the erection and completion of said water works, in its corporate capacity, to purchase from said company said water works, machinery, pipes and fixtures, and all the appurtenance thereunto belonging, and all the right, title and interest of said company of, in, and to the same, upon such terms and conditions as to time of payment as may be agreed upon by, and between said city and said company, their lawfully authorized agents or attorneys.

16. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CLXXXI.

## An Act to incorporate the Millville and Bridgeton Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis Mulford, Jonathan Elmer, Richard Wood, George Wood, Furman L. Mulford, Alexander Stratton, Charles P. Stratton, Benjamin F. Lee, Ebenezer Westcoatt, James H. Nixon and S. F. Fries, and such other persons as may be hereafter associated with them, be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Millville and Bridgeton Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.
2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such a manner as the said corporation shall by their by-laws direct.
3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state, and that at the time of subscribing ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as twenty-five thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose not less than nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder

Corporators.

Name.

Capital stock.

Commissioners to receive subscriptions.

Election of directors.

thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred by the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of the corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Vacancy, how filled.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Failure to elect directors not to dissolve

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such installments and at such times as they may direct, by notice published in at least one of the newspapers published in said county, for a term of not less than three weeks; and in case of non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix

Powers of directors.

May call in amount subscribed under penalty of forfeiture.

such salaries to them, and also to the president, as to the said board shall appear proper.

Authorized to  
construct rail-  
road.

6. *And be it enacted*, That the president and directors of the said company be and are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the city of Millville to a point in or near the city of Bridgeton, Cumberland county, as may be deemed advisable; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling, or laying out the said route or routes of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repairs of the said road, subject to such compensation as is hereinafter provided; *provided*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavations or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of the said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; *and provided always*, that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of said land be first had and obtained.

May enter on  
lands.

Provido.

Provido.

Proceedings  
in case com-  
pany or own-  
ers cannot  
agree.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or

when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineers or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said land or materials (said commissioners at the same time taking into consideration all the benefit to be derived from or in consequence of the said railroad, or branch road, as the case may be, to the said owner or owners), and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oath or affirmation aforesaid, in the clerk's office in the county in which the lands or mate-

rials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may lie.

Proviso.

Proceedings  
in case of ap-  
peal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in form of petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and a notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court free right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried in the next term of said court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded

therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then the cost to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said com- Proviso.  
pany enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the parties or party entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners; *provided further*, that in case Proviso.  
of appeal from the award of the commissioners by either party the said company, upon depositing the amount of said award in the said circuit court to abide the result of such appeals, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

9. *And be it enacted*, That it shall be the duty of the said Bridges to be  
constructed  
and kept in  
repair.  
company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle along said road shall not be obstructed; and likewise when the said railroad

shall intersect any farms or lands of any individual, to provide and keep in repair suitable wagon ways over or under the said road.

May purchase  
and hold real  
estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroads, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

May purchase  
equipments.

12. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or other vehicles for the transportation of persons or any species of property on the railroads, as they may think fit, reasonable, expedient or right.

May make  
contracts.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contract.

Penalty for in-  
juring works

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to said company the sum of fifty dollars, to be by them recov-



ered in any court having competent jurisdiction, in an action of debt, and further, shall be liable for all damages.

15. *And be it enacted*, That the said railroad is hereby authorized to lease its railroad to (or consolidate with) any other railroad company, which is hereby authorized to take such lease and operate the same for such term or times and on such terms as the said parties may agree upon. May lease, consolidate and operate.

16. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee the bonds of the said Millville and Bridgeton Railroad, and in any other way which the parties may agree upon, aid the said company in the construction of its said railroad. Other corporations may endorse bonds

17. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday of January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Statement of costs to be made. Proviso.

18. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the neces- May borrow money and issue bonds.

sary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

Limitation.

19. *And be it enacted*, That if the said railroad shall not be commenced within five years and be completed at the expiration of ten years from the first of July next, that then and in this case this act shall be void.

Free passage.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company, in their cars, free of charge.

May connect  
and cross any  
railroad.

21. *And be it enacted*, That the said railroad is empowered to connect with and to cross any other railroad.

Privileges.

22. *And be it enacted*, That when any part of the said railroad shall be completed, the said company may commence operating the same for the transportation of passengers and property, enjoying all the privileges and subject to the restrictions created by this act.

23. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CLXXXII.

An Act to vacate streets on map of the Rutherford Park Association, and for other purposes.

**WHEREAS**, the Rutherford Park Association became incorporated under the act entitled "An Act to encourage and facilitate the improvement of lands in this state," approved March thirtieth, eighteen hundred and sixty-five, and purchased property in the county of Bergen, and state of New Jersey, and laid the same out into blocks and lots, and filed among other maps, a map of such property in the office of the clerk of said county, known as "Map of Property of the Rutherford Park Association, Union Township, Bergen County, New Jersey," on the seventeenth day of November, eighteen hundred and seventy; and whereas, on said map have been delineated certain streets, known as Summit avenue, Russell avenue, Delos avenue, Diven avenue, Prospect avenue and Edgerston drive; and whereas, no improvements have been made on said streets, and the public authorities have not accepted the same, and the owners of the property situated on said streets desire that the said streets may be vacated, and certain lands under water on said property, included in said map, may be filled up, so that streets can be laid out thereon, to the end that the property may be more advantageously laid out, and other streets dedicated in lieu of the streets to be vacated; therefore,

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That Summit avenue, Russell avenue, Delos avenue, Diven avenue, Prospect avenue and Edgerston drive, streets laid out on said map, be and the same are hereby vacated; and the owner or owners of the property are hereby authorized to fill up the lands under water on said property, and to make a new map of such property so filled up, and dedicate any street or streets over the same, and also dedicate streets in lieu of those vacated as may be deemed most advantageous for that purpose, which streets to be dedicated shall be in lieu of the streets hereby authorized to be vacated; *pro-*

Preamble.

Avenues vacated.

Owners authorized to fill up lands under water, &amp;c.

Proviso. *vided*, that nothing in this act shall affect the rights of the state to lands lying under water.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 8, 1872.

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### CHAPTER CLXXXIII.

A Supplement to the act entitled "An Act to incorporate the Cape May Cranberry Company, of Cape May County," approved April fifth, eighteen hundred and seventy-one.

Power to  
construct em-  
bankments  
and sluices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Cape May Cranberry Company shall have power to elect, for the government of their affairs, five directors instead of three; also have power to construct an embankment and sluice at any point east of the bridge over Dennis creek, in the county of Cape May, of sufficient height to hold a head of water to high water mark in said creek, and hold the water above the embankment to said height at their disposal.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CLXXXIV.

A Supplement to an act entitled "An Act to authorize the United States Watch Company to establish works in this state and incorporate the same," approved March ninth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the United States Watch Company, a corporation created under and by virtue of the act to which this act is a supplement, may be increased to such an amount as the board of directors of said company shall from time to time determine, but not beyond a sum that will make the whole capital stock of said company more than two million dollars, and that the board of directors of said company may make such rules and regulations for the subscription to the said increased capital stock, and the payment therefor, as said board may deem advisable. May increase capital stock.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CLXXXV.

An Act to incorporate the Hudson County German Publishing Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Adolph Kirsten, James Gop-sill, Henry Knopp, Jacob Seiben, Charles A. Zscham, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The Hudson County German Publishing Association;" Name.

and by that name shall be capable of purchasing and holding, conveying, mortgaging and leasing any real and personal property, not exceeding in value the sum of fifty thousand dollars; and by their said name shall have power to sue and be sued, plead and be impleaded in all courts and places; to make and use a common seal, alter the same at pleasure, and to make by-laws, not inconsistent with the constitution or laws of the United States or of this state, for the management of the property, the regulation of the affairs and for the transfer of the stock of the said corporation.

Object.

2. *And be it enacted*, That the general object of said corporation is declared to be the publishing of a newspaper in the German language, and conducting a general printing and publishing business, in the county of Hudson, in this state.

Office.

3. *And be it enacted*, That the business of said corporation shall be carried on at Jersey City, in the county of Hudson.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, and may be increased to any sum not exceeding in all fifty thousand dollars, divided into shares of fifty dollars each, which shall be subscribed and paid at such times, in such manner, in such installments, and upon such notice as the directors of the said association by their by-laws may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed by the said by-laws for the payment thereof, such stockholder shall, at the option of the directors of said association, incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the benefit and use of the said association.

Stock, how transferable.

5. *And be it enacted*, That the capital stock of the said association shall be deemed personal property, and the said shares shall be transferable only on the books of the said association, in such manner as the said by-laws thereof may direct; and that certificates of stock be issued to the stockholders; and that each share of said stock shall entitle the holder thereof to one vote, either in person or by proxy.

May purchase property.

6. *And be it enacted*, That it shall be lawful for said corporation, if they shall see fit, to purchase all, or any part of the property, assets, rights and effects of the company now known as the Hudson County German Publishing Association, and to give stock in part or full payment thereof.

7. *And be it enacted*, That the management and dispo-

sition of the affairs and property of the said association, shall be vested in a board of directors, one of whom shall be president; the number of said board shall not be less than seven nor more than thirteen; that the persons named in the first section of this act, shall be the first directors to organize the affairs of said association until the first Monday of April next, and until others are elected in their stead; that on the first Monday of April next, and annually thereafter, the directors shall be chosen at such place and on such notice as the by-laws of said association shall determine; that all elections shall be by ballot, and if at any time for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or by this act; and any vacancy in the board of directors may be filled for the unexpired term by a majority of the same; and the directors may appoint such officers and agents as they may deem necessary, and may by their by-laws, fix their duties and compensation therefor.

Affairs, how  
managed.

Vacancy, how  
filled.

8. *And be it enacted*, That this corporation may be dissolved at a general meeting of the stockholders, specially called for that purpose, thirty days' notice of such meeting having been given, by publishing the call therefor at least once a week during said period, in two newspapers in said Jersey City; *provided*, that at least three-fourths in value of all the stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the capital stock.

How dissolved

Proviso.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CLXXXVI.

An Act to incorporate the Masonic Hall Association of the village of Somerville.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John V. Voorhees, Henry G. Wagoner, Bernard M. Polhemus, Nicholas L. Rouser, Nathan B. Richardson, George S. Jones, Job C. Kinyon, John Ringlemann, Frederick Van Liew and Robert L. Day, and their associates, free and accepted masons of the state of New Jersey, and their successors, be, and the same are hereby declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Masonic Hall Association of Somerville," and by that name shall be capable of purchasing and holding, mortgaging and conveying any lands, tenements, goods and chattels; said real and personal estate not to exceed in value the sum of fifty thousand dollars, and have power to sue and be sued, plead and be impleaded, in all courts and places, to make and use a common seal, and alter the same at pleasure, and to make by-laws, not inconsistent with the constitution or laws of the United States, or of this state, for the management of the property, the regulation of the affairs, and for the transfer of the stock of said corporation.
- Name.**
- Object and powers.** 2. *And be it enacted*, That the general object of the said corporation is declared to be the purchase of real estate in the village of Somerville, and the improvement thereof, for the purpose of a masonic hall, and for other purposes; and they shall have power to purchase, take, receive, have, possess, and enjoy all such lands, tenements, property, goods, chattels and effects, as may be required for the purpose of said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mortgage, encumber and dispose of at their will and pleasure.
- Amount of capital stock.** 3. *And be it enacted*, That the capital stock of the said corporation shall be twenty thousand dollars, divided into shares of fifty dollars each, which shall be subscribed and paid at such times, in such manner, in such instalments, and



upon such notice as the directors of said corporation by their by-laws may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed by the said by-laws for the payment thereof, such stockholder shall, at the option of the directors of the said corporation, incur a forfeiture of his or her share or shares, and of all previous payments thereon for the use of said corporation.

4. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the said shares shall be transferable only on the books of the said corporation, in such manner as the board of directors may by their said by-laws direct, and every share of said stock shall entitle the holder thereof to one vote either in person or by proxy. Stock, how transferred.

5. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation, shall be vested in seven directors, who shall be stockholders of the said corporation, and residents of the county of Somerset, who shall be elected by the stockholders of the said corporation yearly, at such time and in such manner as the said corporation shall by the by-laws thereof provide, and who shall serve for one year, and until others are elected in their stead; that the first election of directors shall be held on the first Monday in April next, at twelve o'clock at noon, at the lodge room of Solomon's Lodge, Number Forty-six, in the village of Somerville, and continue open for one hour, and thereafter as shall be provided in the said by-laws; that the directors when elected shall choose from their own number a president and vice-president, which said president, vice-president and directors, for the time being, shall constitute the board of directors of the said corporation, and that a majority of the said board shall be a quorum for the transaction of business. Directors.  
President.

6. *And be it enacted*, That the said directors may make penalties for any breach of the by-laws of the said corporation, not exceeding one dollar. Penalties.

7. *And be it enacted*, That when at least one hundred shares of stock of the said corporation shall be subscribed, the same may be organized and proceed to the first election of directors thereof, at the time and place herein above mentioned. Election of directors.

8. *And be it enacted*, That the said corporation may be

How dissolved.  
 et.  
 Proviso.

dissolved at a general meeting of the stockholders specially called for that purpose ; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors for the time being, and the the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

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## CHAPTER CLXXXVII.

An Act to incorporate the West Cape May Land Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander Whillden, James Pollock, A. G. Cattell, George H. Stuart, Thomas Beesley, H. R. Wilson, S. A. Mutchinare, Downs Edmunds, V. M. D. Marcy, Nicholas Murray, James H. Stevens, Return B. Swain, George W. Hill, G. H. Huddel, J. P. Reznoo, Franklin Hand, John Wanamaker, Robert J. Mercer, M. Hall Stanton, Joseph Freas, Richard S. Leaming, and such other persons as they may hereafter associate with them, be and they are hereby constituted and declared a body corporate and politic, with perpetual succession in fact and in law, by the name of "The West Cape May Land Association," to have a corporate seal, to sue and be sued by their corporate name, to purchase and hold real and personal property, and to acquire such lands in the county of Cape May, state of New Jersey, in fee simple or otherwise, and on such terms as they may deem desirable and necessary for the purposes and objects of the aforesaid association.
2. *And be it enacted*, That the capital stock of said com-

Corporators.

Name and powers.

Capital stock.

pany shall consist of one thousand shares of one hundred dollars each, with the liberty to increase the same from time to time, not exceeding five thousand shares, which shall be deemed personal property and transferable in such manner as the company may by their by-laws direct.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of thirteen directors, shareholders in said company, who shall be chosen annually and at such place, and at such times, and in such manner, and upon such notice, as the by-laws of said company shall direct, each share of the capital stock entitling the holder to one vote either in person or by proxy. Managed by directors.

4. *And be it enacted*, That the directors shall hold office for one year, and until others are elected or appointed in their stead, and they shall have power to fill any vacancy which at any time may exist in the board by death or otherwise, until the next succeeding annual election; a majority of them shall constitute a quorum competent to transact all business, and shall choose one of their number to be president and one to be vice president, and may appoint such other officers and agents as they deem expedient. Vacancies, how filled.

5. *And be it enacted*, That it shall be lawful for said association to construct and provide all necessary works to supply water, and artificial light and all other improvements which they may deem necessary for the comfort and convenience of the inhabitants that may reside upon the premises owned by them. May construct works.

6. *And be it enacted*, That said association shall have power to improve and develop their lands by sub-dividing and laying out the same in lots, streets, avenues, alleys and parks, and erecting buildings for private and public use, selling and leasing their lots and grounds, and doing all things that are judicious and necessary to encourage a vigorous growth of their enterprise. May lay out streets and erect buildings, &c.

7. *And be it enacted*, That any conveyance, deed, lease, agreement or other instruments, signed by the president and secretary of said company, and duly acknowledged according to the laws of the state of New Jersey, shall have full force and effect to bind said company to all the covenants and conditions therein contained. Acts binding on company.

8. *And be it enacted*, That for the purpose of restricting nuisances and of compelling a uniform system of improvements, the said company are hereby authorized and invested May insert clauses in deeds, &c.

with full power to incorporate into any deed of conveyance made by them, whether fee simple or otherwise, a clause or condition for holding the sale upon the premises so conveyed by said company, of any spirituous or intoxicating liquors, and forbidding any nuisance which the said company may deem detrimental to the interests and prosperity of said settlement, and to require any guarantee of said company to make and maintain such style and character of improvements on said lots so conveyed, or on the streets fronting thereon, as to the said company may seem most expedient for securing a uniform system of development and improvements through the said settlement.

Penalty for non-fulfillment.

9. *And be it enacted*, That for the purpose of enforcing the provisions of the last section, the said company are hereby authorized and invested with power to attach to said clause to restrict nuisances and regulate improvements a penal sum which said grantee shall forfeit upon any non-fulfillment or non-compliance therewith, and said sum the said company may recover in any court of record having competent jurisdiction in actions of debt.

Dividends

10. *And be it enacted*, That the president and directors of said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the profits of said company.

May borrow money, &c.

11. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to carry out the objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds, and secured by mortgage on the said lands, privileges, franchises and appurtenances of and belonging to said company.

Books of subscription.

12. *And be it enacted*, That after the passage of this act, any three of the aforesaid corporators may give ten days' notice of the time and place for opening books, for the space of ten days, to receive subscriptions to the capital stock of said association, and as soon as two hundred and fifty shares have been subscribed, twenty per cent. of the par of the shares, paid in, or secured to be paid, under direction and to satisfaction of the parties having in charge the books aforesaid, they shall give ten days' notice in two newspapers, one of the papers to be printed in Cape May county, and one in the city of Philadelphia, for the election of directors, to be chosen by ballot; that each share of stock upon which the twenty per

cent. has been paid shall entitle the holders thereof to one vote, in person or by proxy; said directors, when elected, shall meet either at Cape May or Philadelphia, as soon after their election as practicable, and organize by electing a president and vice president, and appoint such other officers and agents as they may deem necessary and expedient; they may also adopt such by-laws (not inconsistent with this act) as they may deem judicious and expedient for the future management of the association, subject to alteration and amendments at any subsequent period by quorum of the board, notice having been given at a previous meeting; the directors so elected shall hold their office until the first Tuesday in July, eighteen hundred and seventy-two, and until their successors are elected, and so as to future elections.

13. *And be it enacted*, That the principal office of the aforesaid association shall be in the county of Cape May, with the privilege of having a branch office in the city of Philadelphia. <sup>Election of directors.</sup> <sup>Principal office.</sup>

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CLXXXVIII.

### An Act to incorporate the Ocean County Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Clayton Robbins, Henry C. Gulick, William I. James, George W. Cowperthwaite, Thomas Singleton, W. H. Price, Isaac W. Carmichael, George Le Compte, Samuel Beatty, John H. Irons and Edward M. Loman and others, their associates and successors, be and they are hereby created a body corporate and politic, by the name, style and title of "The Ocean County Agricultural Society;" and by that name shall sue and be sued, and generally possess the power and privileges of a corporation. <sup>Corporators.</sup> <sup>Name and powers.</sup>

- Amount of capital stock. 2. *And be it enacted*, That the capital of said association shall not be less than six thousand dollars, nor more than twelve thousand five hundred dollars, divided into shares of twenty-five dollars each.
- May make by-laws 3. *And be it enacted*, That the members of said association shall have the right, at their first or any subsequent meeting, to establish such by-laws for the government of the association as they may deem expedient, which shall not be inconsistent with the constitution of the United States, the laws of this state, or the provisions of this act.
- Meetings, &c. 4. *And be it enacted*, That at all meetings or elections held by said association each share shall entitle a member to one vote, and that at elections for directors members may vote by proxy.
- Officers. 5. *And be it enacted*, That the members shall, from time to time, determine the number of their directors and officers, and shall clothe them with such power not inconsistent with the provisions of this act, as they may deem expedient.
- Object. 6. *And be it enacted*, That the object of said association shall be to provide, keep and maintain in the county of Ocean, and at the village of Toms River, grounds and other real and personal estate, not exceeding in extent forty acres of land, suitable for agricultural, floral or mechanical exhibitions, and that for the improvement of the breed of horses and cattle, the said association are authorized to hold exhibitions for the development of the speed, or other desired qualities, and to encourage and incite competition therein, they may offer and give premiums for superiority in the objects sought for ; such premiums, however, not to exceed the surplus net revenue of the association in any one fiscal year.
- admission. 7. *And be it enacted*, That the association shall have the right and power to charge a fee for admission to such exhibitions, the amount of said fee to be fixed from time to time as the directors may deem proper.
- Dividends. 8. *And be it enacted*, That so much of the profits of said association as shall be deemed expedient by the directors, shall from time to time be divided amongst the stockholders ; but no dividend shall be declared which will impair the capital of the association.
- Election of directors. 9. *And be it enacted*, That the directors shall be elected by ballot by the members of the said association, at such time and place as shall be agreed upon by a majority of the corporators named in the first section, after giving at least

one week's public notice thereof, in at least one newspaper published in the county of Ocean; and the directors who shall be elected at that time shall hold their offices until the first Tuesday in May next and following, or until their successors shall have been chosen; and on the first Tuesday in May, of each year thereafter, there shall be a meeting of the members, at which meeting there shall be an election for directors of the association, who shall continue in office for one year, or until their successors shall have been chosen, such election to be held at such place as the by-laws shall determine; the officers of the association shall be chosen by the board of directors from the members of said association, at a meeting to be held within one week after their election.

10. *And be it enacted*, That special meetings of the members may be called by the board of directors at any time, and shall likewise be called by the president, at the request, in writing, of five members; one week's notice of such meeting shall be previously given by the secretary as aforesaid. Special meetings.

11. *And be it enacted*, That the association shall be, and they are hereby authorized to admit, under and subject to such mode of election and rules and regulations as may be prescribed by the by-laws, annual subscribers who shall pay in advance such sum as may be fixed by the board of directors; and for this they shall be allowed the privilege of admission to the grounds and premises of the association, in like manner, and under such restrictions as are provided in the case of members; *provided however*, that nothing shall be construed to give said annual subscribers any authority in the administration of the affairs of the association. Annual subscribers may be admitted to grounds. Proviso.

12. *And be it enacted*, That the association shall have the right and power to enact and enforce by-laws prohibiting gambling, selling or using intoxicating drinks upon the premises of the association, and to eject from the premises all disorderly person or persons violating the rules of the association. May prohibit selling of liquors, &c.

13. *And be it enacted*, That the association shall have the right to elect honorary members, who shall be entitled to such privileges as the by-laws may provide. Honorary members.

14. *And be it enacted*, That the said association shall have the right and power to lease or rent the whole or any part of this real estate for religious meetings or other purposes. May lease real estate.

15. *And be it enacted*, That any person subscribing and paying for one or more shares, shall be a member unless he Who may become members.

transfers his stock, which he may do by having the transfer recorded by the secretary.

Taxation.

16. *And be it enacted*, That all land and other property which may hereafter be owned by said association, and used for the purpose of promoting the objects of said association, shall not be liable to have any taxes assessed and levied upon it for any purpose whatever; *provided*, that such real and personal estate shall not exceed in value five thousand dollars.

Approved March 8, 1872.

## CHAPTER CLXXXIX

An Act to extend the provisions of an act entitled, "An Act to authorize and empower the Minister, Elders and Deacons of the Reformed Congregation of Hackensack, in the county of Bergen, in the State of New Jersey, to assess the pews in said Church," approved April fourth, eighteen hundred and seventy-one, to the Minister, Elders and Deacons of the Reform Congregation of Pascack, Bergen county, New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to authorize and empower the Minister, Elders and Deacons of the Reformed Congregation of Hackensack, in the county of Bergen, in the State of New Jersey, to assess the pews in said Church," approved April fourth, eighteen hundred and seventy-one, with all the power and authority thereby given, be and the same is hereby extended to the minister, elders and deacons of the Reformed Congregation of Pascack, Bergen County, New Jersey.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 8, 1872.



## CHAPTER CXC.

Supplement to act entitled "An act to incorporate the New Jersey Wood Paving Company," approved March seven-teenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of an act <sup>Repealed.</sup> entitled "Supplement to an act to incorporate the New Jersey Wood Paving Company," approved February twenty-eight, eighteen and seventy-one, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CXCI.

An Act to incorporate the Madison Aqueduct Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred M. Tredwell, Jonathan <sup>Corporators.</sup> Dwight, Hugh A. Toler, James A. Webb, Stephen Paulmier, George Pomeroy, Ambrose E. Kitchell, George E. Danforth, George Chapman, and such other persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of the "The Madison Aqueduct Company," and shall <sup>Name and powers.</sup> be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

2. *And be it enacted*, That the amount of the capital

Amount of  
capital stock.

stock of said company shall be twenty-five thousand dollars, with the privilege to increase the same to seventy-five thousand dollars, divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation by their by-laws shall direct.

Commission-  
ers to open  
books of sub-  
scription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they or a majority of them may think proper, giving at least ten days' notice of the same in a newspaper published in the county of Morris, and that at the time of subscribing, twenty per centum shall be paid for each share subscribed for to the commissioners, and as soon as fifteen thousand dollars of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose; each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any two of them, shall be inspectors of the first election of directors, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors, shall be fixed by the persons named in the first section of this act, and the directors chosen shall hold office until the first Monday in April, following their election, and until their successors are chosen; and there shall be an annual election of directors, by the stockholders on the first Monday in April of every year, at such time and place, as the directors for the time being, shall appoint, whereof like notice shall be given as aforesaid; and said directors shall choose out of their number a president, who shall be a resident of this state, and in case of death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the remaining directors or a majority of them.

Election of di-  
rectors.

4. *And be it enacted*, That in case it shall happen that

an election shall not be made during the day, when pursuant to this act it ought to be made, said corporation shall not, for that cause, be deemed to be dissolved, but an election may be held at any other time, on like notice as aforesaid, and the directors, for the time being, shall continue to hold their offices until others shall be chosen in their places.

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in their capital stock of said company, by such installments, and at such times as they may direct, and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, and effects of said officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to officers, clerks and servants as to the said board shall appear proper; and shall have power to take from said officers, clerks and servants, such security for the faithful performance of their respective duties, as they may think proper.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water-wheels, force pumps, and all other devices and work which they may deem necessary for supplying the village of Madison, and the places adjacent thereto, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the president and said directors, or others in their employ, to enter at all times upon all lands or waters, and survey, search, excavate and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water-wheels, force-pumps and buildings, and all necessary works and appendages thereto, doing no unnecessary damage to private or other property; and when said location shall have been determined upon, the president and directors shall cause a map to be made of all lands which they require for the purpose

Failure to  
elect directors  
not to dissolve

Failure to pay  
subscriptions  
to work for-  
feiture.

May make by-  
laws, &c.

May survey  
and lay out  
site for reser-  
voirs, &c.

May enter on  
lands, &c.

Provido.

aforesaid, and file the same in the office of the clerk of Morris county; and then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, excavate, erect reservoirs, water-wheels, wheel-houses, force-pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated, and keeping them in repair, subject to such compensation as hereinafter provided for; *provided, that* no such entry for the purpose of obtaining water shall be made on any land within the township of Morris, without the consent of the owner or owners thereof first had and obtained.

Proceedings  
in case com-  
pany and own-  
ers cannot  
agree.

7. *And be it enacted,* That if the said company or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if, by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, the said company shall give notice to the persons interested, if known and in the state, or if such owner or owners be unknown or out of the state, by publication in one or more newspapers printed and published in the county of Morris, that they intend to make application to the judge of the circuit court of said county, on a day, and at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on the said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days' notice of their said meeting, as herein before directed; and on the day so appointed to proceed to view and examine the said lands and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting such works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said report the metes and bounds of the lands assessed, which said report the said company shall have filed in the clerk's office

of Morris county, to remain on record therein; and a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy, the land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner; and upon making payment in either of the ways above stated, the title of the premises mentioned in said award and so paid for, shall be vested in said company, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters and real estate, for which compensation shall be paid or tendered as aforesaid, and to hold and use the same to themselves and their successors forever; if any person to whom any compensation shall be awarded as aforesaid cannot be found, then the said payment may be made by depositing the same with the clerk of said court.

8. *And be it enacted*, That if said owners or any of them are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if said owner had summoned the said company to appear before them, and if the jury, upon trial of the cause, shall find a greater sum than the commissioners have awarded, or the company offered, in favor of said owner or owners, then judgment thereon, with costs shall be entered against the company, which will constitute a lien upon the premises in question, which said lien shall have priority over other incumbrances which said company may have given; but if the said jury shall find the same or less amount than the said company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such a manner as the court shall direct.

9. *And be it enacted*, That any body corporate may, and they are hereby authorized to subscribe to the capital stock of this company.

10. *And be it enacted*, That if any person shall wilfully impair or injure, or wilfully do or cause to be done, any act

Proceedings  
in case of ap-  
peal.

Stock may be  
subscribed.

Penalty for  
injuring  
works.

or acts, whereby to injure any conduct pipe, cock, machine, tank, reservoir, works, buildings or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending, shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars or imprisonment not exceeding two years at hard labor, or both; *provided*, such criminal prosecution shall not impair the right of action for damages for a civil suit, which is hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same.

*Provided.*

May lay pipes  
under streets  
and erect hy-  
drants.

11. *And be it enacted*, That said company may be, and they are hereby authorized and fully empowered to lay their pipes beneath such public road, streets, avenues and alleys as they may deem necessary for the purpose aforesaid, free of all charge, to be made by any person or persons, or body politic, whatsoever, for such privilege, and also such hydrants or crossings or intersections of the said streets and alleys, provided that the said pipes shall be laid at least two feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel, or damage public property, and that the earth excavated in laying said pipes shall be replaced, so that the surface of the ground shall be in as good condition as the same was before said excavations were made.

Water rents.

12. *And be it enacted*, That the said company may sell and dispose of the water issuing from said reservoirs, aqueducts or pipes, for such price or prices as annual rents, and under such restrictions, they may think proper.

May borrow  
money, &c.

13. *And be it enacted*, That the said company shall have power to borrow money, not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgage upon their property and franchises and privilege, and by such other assurances as they may deem expedient.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CXCI.

An Act to incorporate Jackson Lodge, No. 150, I. O. O. F.,  
of the town of Union, Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony H. Ryder, John A. Ross, James G. Morgan, Alexander Hannah, Charles Statley, Frederick H. Diederich, Albert D. Bogert, Jabez Chambers, Frederick H. Pepper, John Wilhee, Elijah T. Paxton, Abram J. Charles, Ebenezer D. Gardner, Harvey Wilkins and George Brune, and their successors, be, and they are hereby, created a body politic and corporate, in fact and in law, by the name of "Jackson Lodge, No. 150, I. O. O. F.," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, for the purpose of purchasing land, in the town of Union, in the county of Hudson, and erecting thereon a building and hall, and such other buildings or out buildings as the said corporation may, by their trustees, decide upon; and for the transaction of such business as may be necessarily connected with the purchasing of land, and erecting, building, conducting, leasing or otherwise disposing of such building and hall, and other buildings, and for that purpose the said corporation shall have power to purchase, take, receive, have, possess and enjoy all such lands, tenements, property, goods, chattels and effects as may be required for the purpose of said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mortgage, encumber, and dispose of at their will and pleasure.

Name and  
powers.

2. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of twenty thousand dollars, divided into shares of twenty dollars each, which shall be subscribed and paid in at such times, and in such amounts, and in such manner, as the trustees of the said corporation, by their by-laws may direct and appoint, and in case of failure by any subscriber to pay his or their installments at the time and place appointed by the said by-laws

Capital stock.

for the payment thereof, such subscriber shall, at the option of the trustees of said corporation, incur a forfeiture of his or their share or shares, and of all previous installments thereon, for the use of said corporation.

Stock, how transferable.

3. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal property, and the said shares shall be transferable only on the books of the said corporation, in such manner as the board of directors may, by their said by-laws, direct; and every share of said stock shall entitle the holder thereof to one vote, either in person or by proxy.

Affairs, how managed.

4. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a president, vice-president, treasurer, secretary, and five trustees, who, together, shall constitute and compose the board of directors, and shall be elected annually, at such time, and in such manner, as the said corporation shall, by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

Capital stock may be invested.

5. *And be it enacted*, That the said corporation may invest the money left with them as subscription to the capital stock, or such other money as may come into their possession, in no other public stocks than such as are created under the laws of the United States, or of the states of New Jersey, New York, Pennsylvania, or in the stock or bonds of either of the cities or counties of the state of New Jersey, nor in bond and mortgages, except on unincumbered real estate, worth at least double the amount of the sum invested; the said corporation may also purchase bonds secured by mortgages, and dispose of them at pleasure.

Common seal.

6. *And be it enacted*, That the said lodge or corporation shall have a common seal, with power, at their pleasure, to change, alter and renew the same.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.



## CHAPTER CXCIH.

An Act to incorporate the Social Turnverein of Hackensack,  
in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Sieber, Louis Rohr, Corporators. George A. Hafner, William Mattscheck, Frederick P. Von Wetternig, Fred Weiss, C. Walz, and such other persons as now are or hereafter shall become members of "The Social Name. Turnverein of Hackensack," are hereby constituted a body corporate, by the name aforesaid.

2. *And be it enacted*, That the object of this society shall Objects. be the improvement of mental, physical and corporal education.

3. *And be it enacted*, That the said corporation shall have Powers. power to prescribe admission and expulsion of its members, and for the election, time of service and duties of its officers.

4. *And be it enacted*, That the said corporation may purchase and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed five thousand dollars. May hold real or personal estate, &c.

5. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February the fourteenth, one thousand eight hundred and fifty-six, and the various supplements. General powers.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CXCV.

An Act to incorporate the Oceanic Fire Engine Company, Number One, of Long Branch, county of Monmouth.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Bennett, Borden Morris, Thomas L. Worthley, James Newbold, Walter R. Brinley, F. W. Kemp, Charles Lewis, S. F. McCloud, R. L. White, James T. Lewis, and all persons who now are or hereafter shall become associates of the Oceanic Fire Engine Company, Number One, of the village of Long Branch, county of Monmouth, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the Oceanic Fire Engine Company, Number One, of Long Branch; and by such name they shall have succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure, and by their corporate name aforesaid, and under their common seal make, enter into and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.
- Name and powers.**
- Amount of capital, stock.** 2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of ten thousand dollars, which shall be applied to the purchase and holding of real estate, and the procuring of such implements and machines and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.
- Officers.** 3. *And be it enacted*, That the said company shall have power to elect, annually, or oftener if necessary, a president,

out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the company.

4. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of said company, not less than fifteen days, and not more than thirty days, before each annual election. Statement to be made.

5. *And be it enacted*, That the property of said company, held under this act, shall be free and exempt from taxation and assessments. Property exempt from taxation.

6. *And be it enacted*, That all persons during their actual membership of the company organized by this act, shall be exempt from jury and military duty, and all persons having served as members of said company for a period of five years, and having received a certificate from the officers of said company shall be forever exempt from such duty in this state. Members exempt from jury and militia duty.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

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## CHAPTER CXCV.

An Act to incorporate the Union Hall Association, of Barnegat, New Jersey.

WHEREAS, William Cox, Henry C. Gulick, James Bodine, John A. Brown and John Predmore, have associated themselves under the name of the "Union Hall Association, of Barnegat, New Jersey," for the purpose of erecting and maintaining a public hall in the village of Barnegat, Preamble.

in the county of Ocean; now, therefore, that the said association may be the better enabled to effectuate the object and purposes thereof,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said William Cox, Henry C. Gulick, James Bodine, John A. Brown and John Predmore, and such other persons who shall become stockholders in the corporation hereby created, shall be, and they and their successors are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of the "Union Hall Association, of Barnegat, New Jersey," and by that name shall have power to lease, purchase, and hold real estate in the said village of Barnegat, and to erect and maintain thereon a public hall, with such rooms as may be incident thereto, and with offices or stores therein, and to transact all such business as may appertain to the erecting, furnishing, conducting, leasing, or otherwise disposing of the said premises for the purposes aforesaid.
2. *And be it enacted*, That the capital stock of said association shall be five thousand dollars, to be divided into shares of five dollars each, and the said association shall have power, from time to time, as the interest of said association may require, and whenever a majority of the directors thereof shall so determine, to increase the same to any sum not exceeding twenty thousand dollars, and that the by-laws shall direct the manner and time of the payment of the capital stock.
3. *And be it enacted*, That the affairs of said association shall be managed by a board of five directors, being stockholders, and they shall elect a president, secretary and treasurer, from their own body, who shall be elected annually on the first Monday of March, each share of stock being entitled to one vote, and shall hold their offices until others are elected in their stead; *provided*, that a failure to elect a board of directors on the day above named, shall not for that cause dissolve this corporation, but the election may be held on a subsequent day, to be provided for by the by-laws of said corporation; and that a vacancy in said board of directors from any cause shall be filled in the manner designated by the by-laws; *and provided further*, that the corporators in the first section named, shall be the first directors of said corporation, and hold their office until others are elected in their stead.

4. *And be it enacted*, That the said corporation are hereby authorized to take and receive and hold, by donation, bequest or devise, any real or personal property, which may be made to it for the purpose of promoting the objects of this act; and they are hereby authorized to borrow money and to secure the payment thereof by mortgage upon the property of said corporation, or any portion thereof, to an amount not exceeding the amount of capital stock actually paid in. May hold real and personal estate.

5. *And be it enacted*, That the said board of directors shall have power to issue certificates of stock in said corporation; and shall have power and authority to make all necessary by-laws and regulations for the transaction of the business of the corporation, to prescribe the time and mode of payment of subscriptions to the capital stock, and to forfeit the stock of any stockholder for neglect to make such payment in the mode prescribed; to appoint such officers and agents as they may deem requisite for the management of the business of the corporation, and to remove such agents at pleasure. May issue certificates of stock.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CXCVI.

A Supplement to an act entitled "An act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That section eighty (80), of the act to which this is a supplement, shall be amended by striking out the words "two and a half," and insert in lieu thereof the words "three and one half." Amendment.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CXCVII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

- 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,** That it shall be lawful for the mayor and common council of the city of Newark to issue bonds under their corporate seal, and the signature of the mayor of said city, for an amount not exceeding two hundred thousand dollars, to be designated and styled "Public School Bond," bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached; and payable at such time or times as may be agreed on by the common council, not exceeding twenty years from the date thereof, pledging the credit and the whole property of the city for the payment of the same, which bonds it shall be lawful for the mayor and common council of the city of Newark to sell at public or private sale for the best price they can obtain for the same, as the proceeds of the same may be needed.
- 2. And be it enacted,** That it shall be the duty of the mayor and common council to apply the net proceeds of said bonds, at such time or times as they may deem necessary for the purchase of sites; the erection of public school building and the furnishing thereof, and for no other purpose whatsoever.
- 3. And be it enacted,** That the mayor and common council shall include in the tax ordinance of each year the sum of twenty thousand dollars, out of which sum shall be paid the interest on said bonds, and the remainder shall constitute a sinking fund for the final payment of said bonds, and the said the common council shall include in the tax ordinance of each year thirty thousand dollars for the payment of the interest, and to constitute a sinking fund for the bonds authorized by the acts of the legislature, approved April eighth, eighteen hundred and sixty-eight, and March fourteenth, eighteen hundred and seventy-one, and section three of each of said acts are hereby repealed.

Power to issue  
public school  
bonds.

Proceeds, how  
applied.

Sinking fund.

4. *And be it enacted*, That the commissioners to take charge of said sinking fund, shall be the same mentioned in the eleventh section of the act entitled "A Further Supplement to the act entitled 'An Act to revive and amend the charter of the city of Newark,'" approved March tenth, eighteen hundred and fifty-nine, all the provisions of the thirteenth and fourteenth sections, and the last clause of the twelfth section thereof, are hereby declared to be part of this act, so far as the same can be made applicable hereto.

5. *And be it enacted*, That it shall be lawful for the mayor and common council of the city of Newark, to issue bonds under their corporate seal and the signature of the mayor, for an amount not exceeding eighty-five thousand dollars, with coupons attached, bearing interest payable semi-annually at a rate not exceeding seven per centum per annum, and payable at such time or times, as may be agreed upon by the common council, not exceeding twenty years from the date thereof, pledging the credit of the whole property of the city for the payment of the same; which bonds it shall be lawful for the said mayor and common council to sell at public and private sale, as the proceeds of the same may be needed, for the best price they can obtain for the same, and they shall apply the net proceeds of the sale thereof for the payment of the purchase money due on the armory buildings, and for the alteration of the said buildings, and for no other purpose; and if the amount above named is more than sufficient for the purpose named, the unexpended balance shall be paid over to the commissioners of the sinking fund herein after named, and added by them to the said fund.

6. *And be it enacted*, That the principal of the debt created under and by virtue hereof shall be paid from the same sources as the permanent debt of the city authorized by the charter is now being liquidated, and the payment of the same shall be under the care and control of the "Commissioners of the Sinking Fund of the city of Newark," created by an act approved March tenth, eighteen hundred and fifty-nine.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CXCVIII.

A Further Supplement to the act entitled "An Act to provide for the working of roads in the township of Lodi, in the county of Bergen."

**Road districts.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That road district number one, created by the act to which this act is a supplement be, and and the same is hereby divided so as to create a new district, to be known and designated as road district number four; bounded southeasterly by the Hackensack river, southwesterly by the township line, northwesterly by the Hackensack and New York railroad, and northeasterly by line extending from the mouth of a creek known as "Losing Creek," along the several courses thereof to its head, and extending thence due northwest to the said railroad.

**Road taxes,  
how applied.**

2. *And be it enacted*, That all the road taxes assessed and collected within the district hereby created, shall be applied to and expended upon the public roads in said district.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

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CHAPTER CXCIX.

An Act to authorize the Trustees of School District Number Eighty-three, Eatontown, in the county of Monmouth, to borrow money and issue bonds to liquidate debt incurred in building a school house in said district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district,



number eighty-three, Eatontown, in the county of Monmouth, and state of New Jersey, be and they are hereby authorized to borrow any sum of money, not exceeding fifteen hundred dollars in all, that they may find necessary for the purpose of liquidating the debt incurred in erecting a school house, and furnishing the same within said school district.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue coupon bonds in their corporate name to the lenders of said moneys of such denominations as the said trustees may deem proper, but not exceeding five hundred dollars each, and which shall bear interest at the rate of seven per cent. per annum, payable yearly; and the sum of five hundred dollars of the principal of said bonds shall be made payable in each and every year after the date of issue thereof, and the said bonds may be sold or disposed of by said trustees at not less than their par value.

3. *And be it enacted*, That to provide for the said yearly payment of five hundred dollars of principal of said bonds, and all interest accruing upon the same, the trustees of said school district shall, on or before the twentieth day of May in each and every year hereafter, certify under their hands to the assessors of taxes for the townships of Ocean and Shrewsbury the amount which will be necessary to pay the interest money due on the bonds issued under this act, as also the amount of the principal due, during the ensuing year; which sum the said assessors are hereby authorized and required, when making their yearly assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said district, in the same manner and at the same time that other township taxes are or shall be assessed, which said special tax shall be by the officers now or hereafter to be provided by law for the collection of other taxes for said townships collected at the same time and in the same manner as other township taxes are or shall be collected; and shall be by him separately accounted for and paid over by him immediately to the trustees of said district.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CC.

**An Act to alter and amend the charter of the borough of  
Fieldsborough, in the county of Burlington.**

Preamble.

WHEREAS, it has been found by experience that the present charter of incorporation of the borough of Fieldsborough, is insufficient to answer the good purposes thereby intended; therefore,

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Bordentown, in the county of Burlington, which is included in the limits and boundaries mentioned, defined and described in the first section of an act entitled "An Act for erecting the town of Fieldsborough, in the county of Burlington, into a borough," which said act was approved March seventh (7th), one thousand eight hundred and fifty, shall be and remain the limits and boundaries of the borough of Fieldsborough, from and after the passage of this act.

Borough officers.

2. *And be it enacted*, That for the better ordering and governing of the said borough of Fieldsborough, and the inhabitants thereof, there shall henceforth be in the said borough one chief burgess, who shall be a resident within said borough, and who shall be keeper of the borough seal; a borough clerk and five councilmen; which chief burgess, clerk and councilmen shall be one body politic and corporate, in deed, fact, name and law, by the name, style and title of "The Inhabitants of the borough of Fieldsborough," and by the same shall have perpetual succession; and they and their successors, at all times hereafter, by the name of "The Inhabitants of the borough of Fieldsborough," shall be persons capable in law to have, purchase, take, receive, possess and enjoy all necessary lands, tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects to them and their successors forever; and the same to grant, bargain, sell, alien, convey, demise and dispose of; to sue and be sued, implead and be impleaded in any court of justice whatever, and to make and use one common seal, and the same to alter and renew at pleasure.

Corporate name.

3. *And be it enacted*, That the chief burgess and councilmen of said borough shall constitute and be called the council of said borough; and the said council shall be summoned and held at such times and places as they may appoint; the chief burgess shall preside at the meetings of the council, and have a casting vote only; and if he be absent one of the councilmen present may be appointed by the members present the chairman *pro tempore*, and a majority of the whole members of the council shall be a quorum to transact business; and it shall be the duty of the said chief burgess to call special meetings of the said council, and in case of his neglect or refusal to call such meetings, then it shall be lawful for any three members of the said council to call any meeting or meetings of the said council, at such time and place as they shall designate or appoint, in writing, giving two days' public notice of all such meetings, in three of the most public places in said borough.

4. *And be it enacted*, That an election by ballot shall be held on the second Tuesday in April next, and on the second Tuesday of April every year thereafter, at such place as a majority of the voters last directed, or at such other place as the council shall appoint, of which place the borough clerk shall cause public notice, in writing, to be set up in five of the most public places in said borough, for at least five days previous to the day of such election; at which election one chief burgess, five councilmen, one clerk, one collector, one assessor, one high constable, one judge of election, three commissioners of appeal, one harbor master, and one pound keeper, shall annually be chosen and elected in said borough, from among the citizens residing therein, and entitled to votes at such election; of which election the judge, collector and assessor shall be judges or inspectors; the poll of such elections shall be opened at ten o'clock A. M., and closed at seven o'clock P. M., and that all persons who by law are, or may be, qualified to vote at the elections in this state shall be entitled to vote at such election; and the name of each elector voting at such election shall be written in a poll list by the borough clerk; and that after the poll shall be closed the said judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the borough clerk of said borough, who shall file and preserve the same in his office, and the person

having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall hold their offices for one year, and until others are elected in their stead and sworn into office, except that the first election to be held under this act, on the second Tuesday in April next, and shall be held at the time, place and manner aforesaid, under the direction and by the judge appointed at the last annual election, as now constituted; and said judge conducting said election shall in all respects be governed by the requirements herein before prescribed.

Vacancies,  
how filled.

5. *And be it enacted*, That in case of death, resignation, inability, disqualification, refusal or removal out of the bounds of said borough, of any of the officers mentioned in the preceding section, it may be lawful for the said council to appoint others in their places or stead, until the next annual election, who shall, during the said time, perform the like services, and be entitled to the same fees and subject to the like responsibilities, as though they were elected at the annual election.

Officers to  
take oath.

6. *And be it enacted*, That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices, before one of the justices of the peace of the county of Burlington, who are hereby authorized and required to administer the same; the collector and high constable so elected or appointed, shall each also give bond to the said borough in such sum and with such sureties, being freeholders, as the said council shall approve, for the faithful execution of their respective offices.

Chief burgess,  
powers and  
duties.

7. *And be it enacted*, That the chief burgess of said borough, for the time being, shall have all the powers and authorities of a justice of the peace of the state of New Jersey; he shall take cognizance of all fines, forfeitures and penalties to be laid by the laws or ordinances of the council of said borough; he shall have power to cause any or all persons to be brought before him who may be charged with violating the public peace, or for disturbing the public tranquility, or for a breach of any of the ordinances of said borough; he shall have power to impose fines and penalties upon all persons so offending, and to cause them to be imprisoned in the borough jail, or any other jail in the county; it shall be his duty to see that all ordinances enacted by the council of said

borough are duly published and enforced, and that all nuisances and encroachments in the lanes, streets, alleys, and highways within said borough, are removed.

8. *And be it enacted*, That it shall and may be lawful for the council of said borough, or a majority of the whole number of them in council convened to pass all ordinances for regulating, leveling, grading, paving, graveling, improving, cleaning and repairing the streets, sidewalks and alleys therein; for preventing the encumbering or obstructing of the same; for ascertaining and establishing the boundaries of all streets and alleys in said borough, and preventing and removing all encroachments in or upon said streets or alleys; for suppressing and restraining disorderly and gaming houses, and such other by-laws and ordinances for the peace, good order and prosperity of said borough, as they may deem expedient, not repugnant to the constitution and laws of this state or the United States; and to enforce the observance of all such laws by enacting penalties for the violation thereof, either by imprisonment in the borough jail, not exceeding five days, or by fine not exceeding fifty dollars, recoverable with costs, in action of debt, and in the name of the collector of said borough, before any justice of the peace or chief burgess of said borough for the use of the corporation of said borough.

Council to  
pass ordi-  
nances.

9. *And be it enacted*, That the said council, or a majority of them, in council assembled, shall have the sole, only and exclusive right and power of granting licenses annually, under the common seal of said borough, to all and every inn keeper and retailer of spirituous liquors residing within said borough, subject to the same provisions, and in like manner as the same may be lawfully done by the courts of common pleas of this state; and the amount assessed and paid in, granting such licenses, shall be paid to the borough collector for the use of said borough.

Licenses, how  
granted.

10. *And be it enacted*, That it shall and may be lawful for the council of said borough to open all streets, lanes and alleys in said borough whenever a majority of the legal voters of said borough request them to do so, first paying to the owner of the lands taken therefor, such compensation as shall be agreed upon between them, or in case of disagreement such compensation as shall be awarded by three disinterested commissioners to be appointed by a judge of the court of common pleas of the county of Burlington.

Opening of  
streets.

Tax, how  
raised.

11. *And be it enacted*, That it shall be lawful council of said borough to raise by tax from year such sum or sums of money as they may deem exped defraying the necessary and contingent expenses borough, not exceeding the sum of one dollar p balance required to be assessed upon the actual v property, and that not to exceed one-fourth of one p of the assessed valuation of property, and collected collector, to be subject to the order of council.

Duty of street  
commissioner.

12. *And be it enacted*, That the said council shall a street commissioner outside of their own body, who it shall be under the control and direction of the said to clear out, make, work, repair, amend and keep order, the public streets and alleys, within the said b and that said council may from time to time, at th discretion, remove said commissioner and appoint an his place, and may likewise pass such ordinance or ord as they may deem expedient, prescribing the duties commissioner, and the making, working, repairing an ing in good order the streets and alleys.

High constable.

13. *And be it enacted*, That it shall be the duty high constable of said borough, so as aforesaid el said borough, to preserve and maintain at all times th and quiet of said borough, to arrest and imprison all o against the ordinances of said borough, and the laws state, and to perform such other duties as the council borough may, from time to time prescribe; and the s constable, hereafter elected, by virtue of this act, sh the same power and authority, and be authorized to p the same duties in all respects, in civil as well as c cases, and be entitled to the same fees and compens if he had been lawfully elected to the office of cons an annual election of the inhabitants of the town Borden town, in the county of Burlington, and had ta oath or affirmation, or given the security required provided, always, that before any such constable sh ceed to exercise the powers conferred upon him by t he shall take and subscribe such oath or affirmation due execution of his office, and enter into such b sureties, to be approved by the council of said bor he would be, by law, required to take, and enter int had been elected to the office of constable at an annu tion of the inhabitants of the said township of Bord

Proviso.

before he proceeds to the execution of the duties of his office; which bond to be given, as aforesaid, by said constable, shall be recorded and filed by the borough clerk of said borough, in his office; and the council of said borough are hereby required, if need be, to prosecute the said bond for or in behalf, and to the use of all and every person or persons whatsoever, who may have sustained loss by the neglect or misconduct of said constable in executing the duties of his said office, and that suits or actions on said bond shall and may be brought and prosecuted in the manner prescribed by the third section of the act entitled "An Act respecting constables," approved April sixteenth, in the year of our Lord one thousand eight hundred and forty-six.

14. *And be it enacted*, That it shall be lawful for the council of said borough to pay to the clerk, assessor, collector, and other agents of said borough, such compensation for their services as the council shall deem reasonable and proper. Compensation of officers.

15. *And be it enacted*, That the assessor of said borough shall assess upon the property of residents and non-residents within the said borough, and the collector of said borough shall collect the taxes, by the laws of said borough directed or required to be assessed or collected within the said borough, in the same manner and within the same time as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes within their respective townships; and the commissioners of appeal in cases of taxation, shall meet upon the same day as now is, or hereafter shall be by law fixed and required for the meeting of the like officers of the townships of this state; and when so met shall have full power and authority to hear and determine all complaints of unjust taxation, in the same manner as the like officers of the townships in this state are authorized and required to do. Assessment and collection of taxes.

16. *And be it enacted*, That the clerk of said borough shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all meetings of the council of said borough, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of all such meetings, and of annual and special elections; he shall record in a proper book, to be provided for that purpose, all ordinances passed by said council, and duly certify the same, and shall perform such other duties as the council of said borough may from time to time prescribe. Duty of clerk.

Duty of collector.

17. *And be it enacted*, That the collector of said shall receive and pay out all moneys belonging to rough, under the direction and authority of the court shall, at least seven days previous to each annual make out a full and true account of all the moneys tax, or loan, for the use of said borough since the election, and of the application and expenditure of the and shall file a copy thereof with the borough clerk shall be the duty of the borough clerk to cause a copy of said account to be set up in three of the most public places in said borough, at least five days previous to the next annual election.

On failure to elect, officers to hold until an election be held.

18. *And be it enacted*, That in case it shall so happen by any means, that the annual election herein before provided for, shall not be held at the time designated as aforesaid, then the chief burgess and the other officers of the borough of the preceding year, shall continue to exercise the several offices and duties, until the election shall be held; and it shall be the duty of the borough clerk to appoint another day for the special election for officers of said borough, of which time he shall give five days' notice as aforesaid, and which shall be conducted in all respects in the manner hereinbefore prescribed for holding annual elections.

No money to be raised for streets, &c., lying beyond bounds of borough.

19. *And be it enacted*, That from and after the passing of this act, the power of overseer of highways of the township of Fieldsborough over the streets and alleys in said township shall cease; and no moneys shall thereafter be raised for the repair of the streets and alleys of said township, unless for the purpose of repairing property within said borough, for the purpose of keeping in repair said highways, streets and alleys; nor shall any rate be assessed or levied on property situate in said township, for the purpose of making, or for the purpose of making, work or keep in repair any of the streets or alleys lying in said township beyond the bounds of said borough.

Repealer.

20. *And be it enacted*, That all other acts and ordinances in relation to the streets and alleys of said township, coming within the purview of this act, and contrary thereto, be and the same are hereby repealed.

21. *And be it enacted*, That this act shall take effect from and after the passing thereof.

Approved March 8, 1872.



## CHAPTER CCI.

A Supplement to an act entitled "An act to incorporate the Board of Education of the city of Camden," approved March fifth, anno domini eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last elected trustees of school district number five and school district number six, of the township of Newton, in the county of Camden, in this state (which said school districts have, by virtue of the provisions of an act entitled "An act to revise and amend the charter of the city of Camden," approved February fourteenth, anno domini eighteen hundred and seventy-one, been incorporated within the limits of the city of Camden), be, and they are hereby authorized to convey, by deed of conveyance executed by the said trustees, all lands and real estate lately held, or which is now held by the said school districts number five and number six, in the township of Newton, in the county of Camden aforesaid, to the board of education of the city of Camden, and that the conveyance of the said lands (after being so conveyed), shall vest in the said "The Board of Education of the city of Camden" an absolute estate in fee simple for said lands and real estate, freed and discharged from any liability for any township purpose whatever. Trustees authorized to convey lands.

2. *And be it enacted*, That the board of education of the city of Camden are hereby authorized to raise, by loan, a sum not exceeding fifty thousand dollars, and to secure the payment thereof by issuing bonds under their corporate seal, with the signature of their president and treasurer, which said money shall be used for the sole and exclusive purpose of erecting school houses in the city of Camden. May issue bonds.

3. *And be it enacted*, That the said "The Board of Education of the City of Camden," shall issue such bonds, for sums of not less than five hundred dollars each, and that the same shall be drawn payable at any time or times, not exceeding twenty years, as the said "The Board of Education of the City of Camden" shall determine, and the same shall draw seven per centum interest, payable half yearly. Bonds, when payable.

No member to be interested in any contract.

4. *And be it enacted*, That no member of the board of education of the city of Camden shall be interested directly or indirectly, in any job, bill or contract in which the money or consideration for said job, bill or contract is paid for out of the treasury of said board of education, under penalty of twice the amount of said bill or contract.

Penalty for becoming security on bonds.

5. *And be it enacted*, That no member of said board of education shall become security on any bond or other obligation, for work done or supplies or materials furnished to the use of said board, under penalty of five thousand dollars for each offence, and one hundred dollars per day for each day such security shall continue; the fines and penalties incurred under this act to be recoverable in an action at law, in the name of the city treasurer of the city of Camden, for the use of said city.

Proposals for building school houses to be advertised.

6. *And be it enacted*, That the said board of education shall before making any contracts for the building of school house or school houses, in said city, advertise proposals for the building or erection of the same according to plans and specifications to be adopted by said board, in two newspapers published in the city of Camden, for two weeks, and the said plans and specifications shall be open and remain open, for the inspection of the public, in the office of the clerk of said board for at least three weeks before the contract shall be awarded, at the end of which time the proposals shall be opened and the lowest bidder giving good and sufficient security for the faithful performance of said contracts shall be awarded the same by said board.

Statement to be published.

7. *And be it enacted*, That the treasurer of the board of education shall at least twenty days before the annual report for ward and city officers in each year, make and publish or cause to be published a statement of all moneys received and disbursed by him during the year, showing the source from whence received and to what applied parts itemized, also the salaries paid to the several teachers, to whom paid, said report to be printed in pamphlet form, the number of not less than one thousand copies to be made for gratuitous distribution.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CCII.

A Supplement to an act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and eighteen of the act to which this is a supplement, be and the same is hereby amended, by striking out the words "passage of this act," and inserting in lieu thereof the words "disbandment of such company." Amendment.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1872.

## CHAPTER CCIV.

An Act to enable the township of Maurice River, in the county of Cumberland, to improve its public roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of the township of Maurice River, county of Cumberland, to issue bonds under the seal of the said township, and under the signatures of the chairman of said committee and clerk of said township, for an amount not to exceed ten thousand dollars (\$10,000), bearing interest, payable annually, at the rate of seven per centum per annum, and payable at such time or times as may be agreed upon by May issue bonds.

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the township committee, not less than five nor more years from date thereof, pledging the credit and property of said township for the payment of the same, the said money to be used in improving the condition of the public works of the aforesaid township, and for no other purpose; and that a majority of the votes of the legal voters polled at the annual township meeting to be held in said township on Tuesday, the twelfth day of March, eighteen hundred and seventy-two, shall decide upon the amount and authority of the same.

2. *And be it enacted*, That this act shall be deemed to have taken effect from the date of its passage, and shall take effect immediately.

Approved March 8, 1872.

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## CHAPTER CCV.

An Act to revise and amend the charter of the Township of Phillipsburg.

### ARTICLE I.

#### BOUNDARIES, NAME, AND CORPORATE TITLE.

Body corporate.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Warren contained within the boundary line of the township of Phillipsburg as the same now extends and is laid out, shall be and constitute forever a borough or town corporate and in name, which shall be called and known by the name of "The Town of Phillipsburg;" and the inhabitants thereof shall be and hereby are incorporated, by the name of "The Town of Phillipsburg," and by the name of the Inhabitants of the town of Phillipsburg," and by the name of the Inhabitants of the town of Phillipsburg, and their successors forever shall and may have and enjoy the same, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all matters of actions, suits, complaints and causes which

may have a corporate seal, and alter the same at their pleasure; and may, by their corporate name aforesaid, purchase, receive, hold and convey any estate, real or personal, for the public use of said corporation.

2. *And be it enacted*, That the said corporation, in addition to the rights, privileges and immunities granted, and the duties and obligations imposed by this act shall be entitled to all the rights, privileges and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, Rights and powers.

3. *And be it enacted*, That the town of Phillipsburg shall continue to be divided into three wards, as heretofore constituted by law, the boundaries of which shall be described as follows: Boundaries.

I. All that part of the said town bounded as follows: beginning at the junction of the Delaware river and the northern boundary line of said town, and following said line to the Morris turnpike road; thence following said turnpike road to the buildings known as Tindall's distillery; thence in a straight line to Bullman street, at a point where Bullman street intersects Bluff alley; thence along Bullman street to an alley leading from said Bullman street to Hudson street; thence along said alley to Hudson street; thence continuing in the same direction across Hudson street in a straight line to the Morris and Essex railroad; thence following the said Morris and Essex railroad to a point directly opposite the junction of Jersey and Sitgreaves street; thence in a straight line to said junction; thence following said Jersey street to Main street; thence following said Main street to River street; thence along River street to the Delaware river; and thence along said river to the place of beginning, shall constitute the first ward of said town. First ward.

II. All that part of said town bounded as follows: beginning at the junction of River street and the Delaware river; thence down the said river to the junction of southern boundary line of said town and said river; thence along said boundary line to the Morris and Essex railroad; thence along said Morris and Essex railroad to the point opposite the junction of Jersey street with Sitgreaves street, heretofore mentioned; thence to the place of beginning along the same line, via Second ward.

Jersey street, Main street and River street, shall constitute the second ward of said town.

Third ward.

III. All the residue of the territory of said town shall constitute the third ward of said town.

And if any division line between said wards shall intersect any dwelling-house, such dwelling house shall be considered as included in and belong to the ward in which the largest portion thereof shall be.

## ARTICLE II.

### ELECTION OF TOWN AND WARD OFFICERS, AND TERM OF

Common  
council.

1. *And be it enacted*, That the common council of the town of Phillipsburg shall consist of three councilmen for each of the wards of said town, who shall be divided into three classes, as heretofore, one of which in each ward shall hold office for one year, one for two years, and one for three years; and each of the wards of said town, at each annual charter election thereafter shall elect one person as councilman, who shall hold such office for the term of three years.

Election of officers,  
and term  
of office.

2. *And be it enacted*, That the annual charter election shall be held in each of the wards of said town on the first Monday of April, at which election there shall be elected the following officers, to wit; in and for said town, one mayor, one auditor of accounts, one collector, one commissioner, one constable, two surveyors of the highways and one overseer of the poor, who shall hold their offices respectively, for one year, and until others are chosen and legally qualified in their stead; and in and for each ward of said town, one member of the common council and one commissioner of public schools, who shall hold office for the term of three years, and until others are chosen and legally qualified in their stead; one assessor, one judge of the peace, one inspector of election, one ward clerk, and one street keeper, who shall hold their offices for the term of one year, and until others are chosen and legally qualified in their stead; and as many justices of the peace as the inhabitants of each ward may be entitled to; and at said annual election one freeholder shall be elected in each ward, who shall be freeholder shall be invested with all the powers, and

perform the same duties, as chosen freeholders in the county of Warren, are invested with and required to perform.

3. *And be it enacted*, That notice of the time, place, and offices to be filled at all elections, whether annual or special, shall be given by advertisement, signed by the mayor or clerk, and posted, in case of town election, in three public places in each ward ten days previous to the day of election, and in case of a special ward election, in three public places in the ward in which the special election is advertised to be held. Elections to be advertised.

4. *And be it enacted*, That every person entitled to vote, by the existing laws of the state, for members of the legislature if held on that day, and who is at the time an actual resident of the ward in which he offers his vote, shall be entitled to vote in the ward in which he resides, but not elsewhere, for all or any of the town or ward officers to be chosen at such election. Who entitled to vote.

5. *And be it enacted*, That the aforesaid annual charter elections in each ward shall be held and conducted by the judge of election, assessor and inspector, in the same manner and under the same regulations in all things as are prescribed by law for the state elections for members of the legislature. Elections, how conducted.

6. *And be it enacted*, That the statement of the result of such elections in each of the wards of said town, and the certificate, in the manner required by law, at the state elections for members of the legislature, shall be made within five days after such election, by the proper officers, and shall be filed without delay with the town clerk. Statements.

7. *And be it enacted*, That the common council of said town for the time being, shall convene on Monday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, for the purpose of canvassing the votes given at each election, and the original statement of the votes filed with the town clerk shall be produced by the said clerk; the common council shall make a written statement of the whole number of votes given at such election for the mayor and other officers elected for said town and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each, and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the Time of common council to meet as board of canvassers.



statements and final declaration of the common council be certified by the presiding officer and the clerk, and in the office of the town clerk; and within seven days of such determination, the town clerk shall cause a written notice of his election to be given to each of the persons elected.

Who declared  
elected.

8. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the town for any town office, and of those given in each ward for any office in that ward, shall be elected to that office; and any election for charter officers authorized by this act, except mayor, common councilmen, or justice of the peace, shall not be chosen by reason of two or more candidates having received an equal number of votes, the common council shall, by ballot, elect such officers from the two or more candidates having the highest number of votes.

Who are eligi-  
ble to office.

9. *And be it enacted*, That no person shall be eligible for any town office at any such election unless he shall be an elector and resident of said town, nor shall he be eligible to any office for any ward unless he shall be an elector and resident of such ward; and when any officer elected at such election shall cease to reside in said town, or if elected for any ward shall cease to reside in such ward, his office shall thereby become vacant; *provided*, that the mayor and every member of the common council shall be freeholders of said town.

Provided.

Term of office.

10. *And be it enacted*, That the term of office of justice of the peace of said town shall commence at the time prescribed by law, and the term of office of all other officers elected at the annual charter election shall commence two or more days after the day of the annual charter election, unless elected to supply a vacancy.

Vacancy, how  
filled.

11. *And be it enacted*, That whenever a vacancy occurs in the office of mayor or common council, by neglect or refusal of such officer to take the oath of office within the time required by law, by his resignation, or by ceasing to be an inhabitant of the town or ward for which he was elected, or by any other cause, the common council shall immediately appoint a special election to be held in the several wards of said town, or in the ward where such vacancy has taken place, to supply such vacancy; and such special election shall be conducted, and the result determined and certified, as is required in determining the result of



annual charter election; but in case any such vacancy shall occur within three months before the annual charter election in any year, it shall be within the discretion of the common council to appoint a special election or not, as they may deem expedient.

12. *And be it enacted*, That if at any annual charter election to be held in said town, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for the said office is intended, shall be designated on the ballot. Vacancies to be designated on ballot.

13. *And be it enacted*, That if any person who shall be elected to any office at the annual charter election, shall not qualify according to law within twenty-one days after said election, or if any person who shall be elected or appointed to fill any vacancy in any of said offices, shall not qualify according to law for the space of twenty-one days after such election or appointment, his office shall be deemed vacant. Persons elected to qualify.

14. *And be it enacted*, That in case a vacancy shall occur in any of the aforesaid offices, except mayor, common councilman, commissioner of public schools, or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person who is eligible to such office. Council may fill vacancies.

15. *And be it enacted*, That all elections hereafter to be held within said town for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Warren, and for members of congress and electors of president and vice-president of the United States, or for any other office of the general or state governments, or officers of said county of Warren, to be elected by the people, shall be held in the several wards of said town, at the places where the last preceding annual charter election was held; and the judges of elections in the several wards shall preside at and conduct such elections, and the ward clerks shall be clerks of such elections in their respective wards, and shall procure election boxes for their respective wards, of the manner and description required by law; and said officers shall have the same power and authority, and be liable to the same penalties, and subject to the same duties as the like officers of townships of this state are or may by law be vested with and subject to. Elections, where held and by whom conducted.

Officers.

16. *And be it enacted*, That the common council shall time to time appoint, by a majority of the whole number the members of said council, a town clerk, town treasurer, town surveyor, town solicitor, town physician, inspector of weights and measures, and such other subordinate officers herein named, as they shall think necessary for the better ordering and governing the town, and carrying into effect the duties imposed upon the said council, and every person so appointed shall continue in office until the office shall be declared vacant, or until another person shall be appointed to succeed him, and shall enter upon the duties of office; *provided*, that no officer so appointed shall be removed for malfeasance in office, misconduct, or neglect of duty, unless by the concurring votes of two-thirds of the members of the common council.

Proviso.

## ARTICLE III.

## POWERS AND DUTIES OF THE COMMON COUNCIL.

Common council.

1. *And be it enacted*, That the councilmen of said town, duly elected by the several wards thereof, shall constitute the same, and be called "The Common Council of the Town of Hillsburg."

May make rules for its government.

2. *And be it enacted*, That the common council shall annually elect a president from its own body, and, in his absence, a president *pro tempore*, choose officers, appoint times and places of meetings, determine the rules of its proceedings, be the sole judge of the election, return the qualifications of its own members, keep a journal of its proceedings, and may fine or expel a member for disorderly conduct or a violation of its rules, or wilful absence from meetings of council for two consecutive months; but no expulsion shall take place except by a vote of two-thirds of the members elected, nor until the delinquent member shall have had five days' notice of the proceeding, with a copy of the charges, and an opportunity to be heard in his defence.

Town clerk.

3. *And be it enacted*, That the town clerk shall be chosen by the common council, and shall attend every meeting of the council, under a penalty of five dollars for every such absence, unless excused by a majority of the whole council.

4. *And be it enacted*, That special meetings of the

mon council may be called by the mayor or any three members, by giving such notice as the by-laws require; a majority of the whole number of members shall constitute a quorum for the transaction of business, and each member shall be entitled to one vote; the said common council and its members, collectively and individually, shall possess the powers and perform the duties which, by law, belong to or are imposed upon the township committees and the commissioners of appeal in cases of taxation of the township, and the members of each, collectively and individually; and when performing the duties which belong to the said township committees or commissioners of appeal in cases of taxation, shall receive and be allowed the sum of four dollars per day for the first two days, and one dollar per day for each day thereafter, while engaged in the performance of said duties; and in case of neglect or refusal to perform said duties, he shall forfeit and pay to the treasurer of the town the sum of four dollars for each day's neglect or refusal.

5. *And be it enacted*, That it shall be lawful for the common council, by a majority of votes, to pass and enforce by-laws and ordinances for the following purposes;

I. To regulate, manage and control the finances and property, real and personal, of the town;

II. To prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, routs, disturbances and disorderly assemblages, noisy, disorderly or indecent conduct, and drunkenness;

III. To regulate victualing houses or cellars, billiard tables and bowling saloons;

IV. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money;

V. To ascertain and establish the boundaries of all streets, highways and public alleys of said town; to lay out, open and establish new streets or alleys within said town, and to order and cause any street, road, highway or alley already laid out, to be located, straightened, altered or widened, and take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof;

VI. To order and cause any street, highway, or section thereof, or sidewalks, to be leveled, graded, macadamized,

Special meetings.

Powers.

Compensation

Ordinances.

Finances.

Public peace, riots, &c.

Cellars.

Circuses.

Streets, &c.

Paving of streets and alleys.

- graveled, paved and flagged, and to cause the exp leveling, paving, flagging, guttering, curbing, or im the sidewalks, to be assessed on the adjoining lot shall be a lien thereon until paid;
- Repairing of streets.** VII. To regulate, clean and repair the streets, sidewalks, sewers and bridges in said town; to prev remove obstructions and incumbrances in and upon the alleys, sidewalks, crosswalks and lanes, in any manne ever;
- Crosswalks.** VIII. To lay out crosswalks of stone wherever nec
- Water and gas pipes.** IX. To lay out and regulate or prohibit the la water or gas pipes in, on or under the streets, ros alleys, or any part thereof, in said town;
- Boilers.** X. To locate, regulate, prohibit or remove slaughte and steam boilers;
- Public build- ings.** XI. To provide for the erection of a town hall, house, markets and public buildings in said town, an quire and hold lands necessary and convenient for t pose, and to regulate the use and occupation thereof
- Sidewalks.** XII. To compel the owners or occupiers of hou lots to keep the sidewalks and gutters opposite th swept and clean, and clear of snow, ice and other ments;
- Droves of cat- tie.** XIII. To prohibit the driving of any drove of sheep, swine, mules, or other animals, through any streets or alleys of said town on the first day of th commonly called Sunday;
- Docks.** XIV. To regulate and prohibit the building of a and wharves in said town;
- Sewers and drains.** XV. To make and adopt a general plan of sewer drainage for said town, or any part thereof, accor which all sewers, drains, receiving basins, and all o purtenances of public drainage, shall be constructed alter and vary the same;
- Animals run- ning at large.** XVI. To prevent horses, cattle, sheep, swine, d all other animals, from running at large, and to pro impounding and sale of the same;
- Fast driving.** XVII. To prevent fast driving in the streets, ro alleys of the town, cruelty to animals, and driving upon the sidewalks; and to regulate the planting tecting of shade trees;
- Gaming houses.** XVIII. To prevent and suppress all gaming house of prostitution, and to prohibit gaming; and to rest

punish all mendicants, vagrants, street beggars and common prostitutes ;

XIX. To license and regulate or prohibit inns and taverns, <sup>Licenses.</sup> restaurants and beer saloons, oyster shops, tenpin alleys, and ball alleys, and to prohibit all traffic in, or sale of intoxicating drink or drinks without license ; *provided*, that when an <sup>Proviso.</sup> application to license a tavern or beer saloon is rejected, that no renewal of the application shall be entertained for one year thereafter ;

XX. To license all hawkers, peddlers, and itinerant auc- <sup>Hawkers and peddlers.</sup> tioners, and to prohibit any one from using or exercising the business of a hawker, peddler or itinerant auctioneer, without a licence first had and obtained from the mayor of the town ; *provided*, that this prohibition shall not apply to <sup>Proviso.</sup> the sale and delivery of books, ice, milk, butter, eggs, poultry, charcoal, fruit raised or grown by the vendor, fish caught by the vendor, fuel and vegetables ;

XXI. To impose a tax on the owners of dogs and bitches ; <sup>Dogs.</sup>

XXII. To appoint watchmen, prescribing their powers <sup>Police.</sup> and duties, and to regulate the police of the town ;

XXIII. To provide a supply of water ; to prevent and <sup>Water and fires.</sup> suppress fires ; to compel the cleaning of chimneys ; and to regulate and prevent the carrying on of dangerous or noxious manufactures ;

XXIV. To appoint one or more policemen in each ward of <sup>Policemen.</sup> said town, and one chief of police, who shall hold their offices, respectively, for one year and until others are chosen and enter upon the duties of their office, and remove any of said officers for malfeasance in office, misconduct of official duty, and appoint special policemen for special purposes ;

XXV. To establish and regulate public pounds and public <sup>Markets.</sup> markets ;

XXVI. To purchase land and erect thereon lodging <sup>Hospital.</sup> houses for the relief of traveling paupers ; to rent a suitable house or purchase land and erect thereon a house to be used as a hospital for the reception of paupers in said town infected with any malignant contagious diseases ;

XXVII. To regulate weights and measures in conformity <sup>Weights and measures.</sup> with the standard of weights and measures established by law ;

XXVIII. To prohibit the keeping of a greater number <sup>Swine.</sup> than twenty swine at one point or on lands of one person, and to declare the same a nuisance ;

Numbering of houses.	XXIX. To establish and regulate the numbering of
Fire department.	XXX. To establish, regulate and control a fire ment, with power to exempt its members from militia time of peace, and from serving as jurors in the court trial of small causes, and the mode of their appointment removal, to provide fire engines, hose, and apparatus houses therefor ;
Lighting of streets.	XXXI. to provide lamps and fixtures, and to lig streets, alleys and public places of said town ;
Engines and cars.	XXXII. To regulate the running of locomotive e railroad and horse cars within the limits of said town
Removing of nuisances.	XXXIII. To make and establish ordinances and l for abating and removing nuisances of every kind wit limits of said town, and to compel the owner or occu any lot, house, building, shed, cellar or place therein in may be carried on any business or calling, or in c which there may be or exist any matter or thing whic may be a nuisance of any kind or detrimental to the of the inhabitants of said town, or offensive to the occ of the premises adjacent thereto, to cleanse, remove o the same, and to provide for the enforcement of an nance or by-law made for this purpose, in such man by such process and proceedings as they, by any suc nance or by-laws, may prescribe ;
Licenses.	XXXIV. To revoke, upon hearing before the c council, any license by them granted to any inn kee tavern keeper, or keeper of any oyster shop, beer shop alley or ball alley, or any other license which, by law, t authorized to grant ;
Assessment map.	XXXV. To make and adopt an assessment map, w to describe lands assessed for taxes and improvement
Salaries.	XXXVI. To prescribe the salaries and compensa all town and ward officers not already fixed by statut
Town prison.	XXXVII. To purchase a lot of land and build th town prison for the detention and imprisonment of any or persons who shall be arrested or committed for any b the by-laws and ordinances of said town, or for any br the peace, or of any offence against the laws of this of the United States ; and every warrant or process mitment shall specify on its face whether the perso mitted shall be confined in such town prison or in t of the county of Warren ;
Gunpowder, &c.	XXXVIII. To regulate and prohibit the keeping o



in stables, the manufacture and keeping of gunpowder, petroleum, fire works, and all other dangerous and combustible articles; to raze and demolish any building or erection, to remove or destroy any material when necessary to prevent the extension of a conflagration, and to provide payment of just compensation to the owners of property damaged or destroyed in such cases, and the firing of guns, bonfires and fire-crackers.

XXXIX. To provide for the relief of the poor, and for <sup>Almshouse.</sup> the establishment of an alms house or work house, and to direct and order what persons shall be placed therein, and for what length of time;

XL. To provide for the recovery of all fines, forfeitures, <sup>Fines, &c.</sup> amercements and penalties not provided for by this act or other statutes of this state;

XLI. To prevent or regulate the construction or erection <sup>Erection of</sup> of any stoop, step, platform, cellar door, area, descent into <sup>cellar doors.</sup> a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over or upon any street, alley, or sidewalk, and to remove the same at the expense of the applicants;

XLII. To regulate and prohibit any practice having <sup>& Annoyances.</sup> tendency to frighten animals or to annoy persons passing on the streets or sidewalks of the town;

XLIII. To license and regulate cartmen, porters, hack, <sup>Cartmen, &c.</sup> cab, omnibus and truck owners, and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind;

XLIV. To regulate or prohibit swimming or bathing in <sup>Bathing.</sup> the waters bounding the town; to prohibit all indecent acts and the sale of obscene books and pictures;

XLV. To punish by fine and imprisonment, or both, any <sup>False alarms</sup> person who shall fraudulently represent a policeman or constable, or raise an alarm for the police, or a false alarm of <sup>of fire, &c.</sup> fire, or make use of any badge, call or signal adopted for the use of the police, or resist, hinder, obstruct, villify or abuse any police officer or special constable in the discharge of his duty, or raise any call, or use any signal to draw a crowd, or call help for the purpose of obstructing the mayor or any police officer in the discharge of his duty;

XLVI. To regulate and prohibit the posting, defacing or <sup>Defacing bills,</sup> destroying any bill, advertisement, or pictorial representation <sup>&c.</sup> in said town;

Observance of  
ordinances.

XLVII. To enforce the observance of all laws and ordinances of the said town, by enacting penalties for the violation thereof, either by imprisonment not exceeding one month or by fine not exceeding one hundred dollars, recouped with costs, in an action of debt, in the name of "the inhabitants of the Town of Phillipsburg," before the justice of the peace of the said town, or any justice of the peace residing in the said town, or in the township of Greenwich, in the county of Mercer, in which action it shall be lawful to declare general verdict for such penalty of fine, and give the special matter in dispute for defence ;

Board of  
health.

XLVIII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the town, with authority to adopt and enforce any sanitary measures against the extension and prevalence of any infectious diseases, not prohibited by the constitution and laws of this state or the United States ;

Burial of dead.

XLIX. To regulate the burial of the dead, and to provide a land for a public burial place ;

Detectives.

L. To employ detectives for the discovery and apprehension of criminals, and offer rewards for the same not exceeding one hundred dollars for each crime, to be paid upon the conviction of the criminal ;

Cruelty to animals.

LI. To prevent and punish cruelty to animals and the destruction of birds.

Salary of the  
mayor.

6. *And be it enacted*, That the town council make provision for a salary to the mayor not exceeding three hundred dollars per annum, and a salary to the chairman of the common council of the streets, not exceeding one hundred dollars per annum.

Common  
council.

7. *And be it enacted*, That a majority of the whole number of the members of the common council shall be present for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members ; every decision of the council on every question shall be decided by yeas and nays, and the names of the members voting in the affirmative or negative shall be entered in the journal ; the mayor shall not be a member of the common council, but he shall be elected by a majority of the whole number of the common council, to elect one of their number president ; a copy of every ordinance and every resolution affecting the public interest shall be filed by the council shall, before it takes effect, be presented to the mayor by the clerk of the council, duly certified to by the clerk ; if the mayor approve of it, he shall sign it,

Mayor to approve ordinances



shall return it, with his objections, and file it with the town clerk, within ten days after he receives it; and the said common council shall, at its first regular meeting thereafter, enter the objections at length on its journal, and shall proceed to reconsider the same, and if two-thirds of all the members of the council agree to pass the same, it shall take effect; but in every such case, if the ordinance or resolution shall not be returned within ten days, as aforesaid, it shall take effect in like manner as if he had signed it.

#### ARTICLE IV.

##### POWERS AND DUTIES OF TOWN OFFICERS.

1. *And be it enacted*, That the mayor shall be the chief <sup>Mayor.</sup> executive officer of the town; he may appoint, in case of emergency, until the next meeting of council, but no longer, special policemen for special purposes, from time to time, as he may deem necessary to maintain order, enforce the ordinances, and protect the persons and property of the inhabitants of the town; and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, he shall have control of the constables and police force of said town, and the power to call on the citizens for aid in all cases of insurrection, riots or disturbances of the public peace; it shall be his duty to communicate to the common council, at their first meeting after the annual charter election in each year, and at other times when he shall deem it expedient, a general statement of the situation and condition of the town in relation to its government, finances and improvements, with such recommendations as he may think proper; to be vigilant and active in causing the laws and ordinances to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine all complaints preferred against them for a violation or neglect of duty, and report the proceedings in such examination to the common council, and generally to perform all such duties as may be required of him by law; and further, to enable him to perform the duties aforesaid, he is hereby invested with all the power and authority of a police justice, with like power, authority, and jurisdiction in all criminal complaints arising in said town, that justices of the peace in and for the several counties of

this state are or may by law be entitled to use and exercise his court shall be a court of record, and vested, for the purpose of this act, with all such powers as is usual in courts of record of this state; he may, in all matters pending before him, award and issue writs of subpoena to testify, into any court of this state, to issue process, either in the nature of a warrant or a summons, against any person charged, on oath or affirmation or affidavit, with a violation of a town ordinance; if a warrant, to be returnable forthwith, if a summons, to be returnable not less than five nor more than fifteen days; which process shall state what ordinance the defendant or defendants named therein has or have violated and in what manner the same has been violated; and upon the return thereof to hear testimony, to determine and give judgment in the matter, without the filing of any pleading; and if judgment be rendered for the plaintiff or complainant forthwith to issue execution against the goods and chattels and person of the defendant; but every person against whom judgment may be obtained before him for the violation of any of the ordinances of said town, shall have the right of appeal, in common with the town, to the higher courts, and in the case of civil suits before justices of the peace; and further, the said mayor is hereby authorized, on witness of any breach of the peace, forthwith to commit the offender to a hearing, without the issuing of any warrant or process; and further, to aid him in his duties aforesaid, the chief of police and all the members of the police force shall (in addition to the authority conferred on them by the ordinances, by-laws, rules and regulations of the common council), possess and have all the powers of constables within the town limits for the purpose of preserving the peace and enforcing the ordinances of the town.

Licenses.

2. *And be it enacted*, That the mayor shall sign licenses granted by him, and report the names to the next stated meeting of council.

Mayor and councilmen to take oath.

3. *And be it enacted*, That the mayor and common councilmen shall each before entering upon the duties of their office, take and subscribe an oath or affirmation before a justice of the peace of the county of Warren, or other person duly authorized to administer an oath or affirmation to the laws of this state, faithfully and impartially to execute the duties of their office, which oath shall be noted in a journal, and filed by the town clerk.

4. *And be it enacted*, That the town treasurer, street commissioner, town collector, town constable, and such other officers as the common council may require, shall, before they enter on the duties of their respective offices, give bonds to the town, in its corporate name, in such sums and with such sureties, as the council may approve, for the faithful performance of their duties. Officers to give bonds.

5. *And be it enacted*, That any person who shall be elected or appointed to any office in pursuance of this act, in all cases where the form of an oath is not prescribed by law, shall, before he enters upon the duties of his office, take and subscribe before the town clerk or mayor of the town, an oath or affirmation in writing, that he will faithfully and impartially execute the trust reposed in him, according to the best of his ability and understanding; which oath or affirmation shall be filed and preserved in the office of the town clerk. Officers to take oath.

6. *And be it enacted*, That all officers appointed by the common council, and all officers appointed by the mayor, shall possess the powers and be subject to the obligations imposed upon such officers by law, or by the ordinances, by-laws and regulations of the common council, and shall receive such compensation for their services as a majority of the whole number of the common council shall determine by ordinance or resolution. Powers and compensation

7. *And be it enacted*, That no note, bond or other obligation shall be issued by or under the authority of the common council, unless the same is signed by the mayor, countersigned by the chairman of the committee on finance for the time being, and attested by the clerk, each of whom, before the same is delivered, shall register, in books of registry prepared for that purpose, the number and amount of each note, bond or other obligation, the date of issue, when payable, and the true consideration of the same, and shall, within two days thereafter, deliver a copy of said registry to the auditor of accounts, certified as correct by said mayor and chairman of the committee on finance and town clerk. Mayor to sign bonds.

8. *And be it enacted*, That the auditor of accounts shall, before he enters upon the duties of his office, make and file an affidavit with the town clerk that he will faithfully and honestly execute the office of auditor of accounts of the town of Phillipsburg, without prejudice or partiality; he shall receive such compensation for his services as the town Auditor of accounts.

Statements to  
be published.

council may, by ordinance or resolution establish; he shall have free access, at least once in each month, to all paper records, vouchers and books of the council, treasurer and other officers, to examine the same at the town hall, wherever the same may be kept; he shall audit the accounts and he shall register all notes, bonds or obligations issued by authority of the common council, stating opposite each note, bond or obligation, its number and amount, date of issue, when payable, and the true consideration of such note, bond or obligation, and shall publish at the beginning of each month, in a newspaper circulating in said town, a statement, over his own signature, of

I. The moneys of said corporation in the hands of the treasurer or other officers;

II. The value of, and location of the real estate owned by the corporation;

III. The amount of debts owing to the corporation, and how secured;

IV. The amount of debts owing by the corporation, specifying whether by notes, bonds or otherwise; and specifying separately the amount of said debt incurred for

I. The support of public schools;

II. The erection of school houses;

III. The purchase of real estate;

IV. The relief of the poor;

V. The internal improvements of the town;

VI. The cost of buildings for town purposes;

And shall make a full statement as aforesaid, verified by his affidavit, and read or caused to be read to the citizens of the town of Phillipsburg, at the opening of the polls at the annual charter election; and the salary of the auditor shall not be less than seventy-five dollars per annum.

Salary.

Commissioner  
of streets.

9. *And be it enacted*, That the commissioner of streets shall, in all things appertaining to his office, be under the control and direction of the street committee, and in addition to the duties imposed by law and ordinance, as an overseer of highways, shall report in writing, to the clerk of the town council, all obstructions and encroachments on the streets, public alleys and sidewalks of the town, all nuisances within the limits of the town, and all violations of the ordinances of said town relative to the streets, public alleys and sidewalks, as soon thereafter as the same shall come to his notice or knowledge.

10. *And be it enacted*, That the mayor or the members of the common council, or other town officers, shall not be concerned in interest, directly or indirectly, in any contract, work or purchase made by or under the authority of the council; and if the mayor or any member of the common council, or other town officers, shall be so concerned, he shall forfeit all time, labor, expense and profits incurred by and accruing to him under such contract; and any judge of the court of common pleas of the county of Warren, upon complaint made to him, verified by oath or affirmation, that the mayor, or a member of the common council, or other town officers, is, or has been concerned in interest in such contract, work or purchase, setting forth the facts, shall have full power and authority to summon said officer before him, subpoena witnesses, hear and examine the evidence, and decide the case; and if said complaint is sustained, he shall declare the office vacant, of which decision he shall give notice in writing, under his hand and seal, within two days thereafter, to the common council or town clerk, and file a copy of the same in the office of the county clerk; and further, in case the town debt should be increased, by loan, or otherwise, beyond the amount limited by law, and in case any town or ward officer shall expend money or incur a debt chargeable to the town, beyond the appropriation made by the common council, any member of the common council who shall knowingly vote for any such increase, and any town or ward officer who shall knowingly expend such money or incur such debt, shall be individually responsible for such excess, to be recovered in a suit at law, in the name and for the use of "The Inhabitants of the Town of Phillipsburg."

Officers not to  
be interested  
in any con-  
tract, &c.

11. *And be it enacted*, That no member of the board of education shall be concerned in interest, directly or indirectly, in any contract for school purposes whatever, made by said board, or recommended by him, and if so concerned shall forfeit all time, labor, expense and profits incurred by or accruing to him under said contract; and the office of a member of said board shall be declared vacant upon complaint made and proceedings had as prescribed in the last preceding section, against the mayor or member of the common council.

Not to be in-  
terested in  
any contract,  
&c.

12. *And be it enacted*, That the justices of the peace in the several wards of said town are hereby declared and constituted conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of

Justices of the  
peace.

imprisonment for violation of the laws and ordinances of said town, by warrant under his hand and seal, directed to the keeper of the town prison of said town, or keeper of the Warren county jail, who is hereby authorized and directed to receive and safely keep the person so committed, and to pay the costs of expenses for committing and keeping such person, which shall be paid by the corporation.

Duties of the clerk.

13. *And be it enacted*, That the clerk of the town shall perform the duties required by law of the clerks of corporations, unless otherwise directed by this act, shall perform all the duties required of him by the town council, shall keep an exact and true record of the votes and proceedings and of all by-laws and ordinances passed by said council, which record shall at all reasonable and proper times be open to the inspection of any inhabitant of said town, who shall (upon payment of such fees as shall be fixed by the common council) furnish to any inhabitant of Phillipsburg, under his hand and the seal of the town, a transcript of such part or parts of said records as may be demanded by such inhabitant; *provided*, that in case of the absence of the clerk from any meeting of the common council, the council may appoint any one of their number clerk *pro tempore*, who shall, in like manner, keep an exact record of the proceedings, and sign his name thereto.

Proviso.

Duties of the treasurer.

14. *And be it enacted*, That the treasurer of the town shall demand and receive all moneys belonging to the town, and owing in any way to the said corporation, from the collectors and other officers or persons who may have collected or received, or may hold the same, and all vouchers for the same, and shall pay out said moneys on the warrants issued by the common council; shall account to the common council for the same, and at the expiration of his term of office shall pay over and deliver to his successor all such money, receipts and vouchers as may be in his hands, together with the books of his office; he shall, at least once in each year, or oftener, if required by the council, make out a full and correct account of all moneys received by him for the use of the corporation, and of the application and expenditure of the same, and deliver said account to the town clerk, not less than ten days' previous to the annual town meeting; and the accounts shall at all times be subject to an examination by the common council, who, in case of default or violation of duty, may remove him from office, appoint another in his stead.



the remainder of the year and until his successor is appointed and sworn into office.

15. *And be it enacted*, That each member of the town, council, town constable, chief of police, each member of the police force, and each town watchman, shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person or persons engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the town, for the preservation thereof, or of good order or of morality, and cause such person to be brought before the mayor, or in his absence a justice of the peace, to be dealt with according to law. Powers of police officers.

16. *And be it enacted*, That the salary or compensation of any officer or officers which has been once fixed shall not be increased during his term of office. Salary, when not to be increased.

## ARTICLE V.

### PUBLIC IMPROVEMENTS.

1. *And be it enacted*, That whenever the common council shall determine by ordinance to straighten the lines of streets, lanes or alleys, or lay out or open any new street, lane or alley within said town, or make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat and agree with the owner or owners thereof for the same, and for that purpose they may purchase such land and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and shall receive from such owner or owners a conveyance of such lands to said town; *provided, however*, that such agreement shall be in writing, signed by the said owner or owners, and reported to the common council, who shall enter the same upon the journal, and shall agree or disagree to the same, and shall furnish the owner or owners of the said land and real estate with a full copy of said record, within three days thereafter, and until such copy is furnished, said agreement shall not take effect. Council may take lands for laying out streets, &c. Proviso.

2. *And be it enacted*, That in case no agreement can be made for such purpose, it shall be lawful for the common council to appoint three disinterested freeholders, one of whom shall be a resident of said town, and two of whom Proceedings in case no agreement can be made.

shall be residents of the township of Greenwich, county of Warren, commissioners to make an estimate of the damages that any such owner or may sustain by taking and appropriating in the aforesaid, such lands and real estate; and in estimating such damages, the said commissioners shall have due regard both to the value of the lands and real estate and to the injury or benefit to the owner or owners by making such improvements as aforesaid.

**Commissioners to take oath.**

3. *And be it enacted*, That said commissioners, before they enter upon the duties required of them, shall severally and subscribe an oath or affirmation before the mayor of said town, to make said assessment and estimate fairly and impartially, according to the best of their skill and judgment.

Notice to be  
advertised.

4. *And be it enacted*, That said commissioners sh public notice of the time and place of their meeting vertisement in seven public places in said town, and sh power, when met or a majority of them, to examine under oath or affirmation, to be administered by one c to enter upon and view the premises, and to adjourn fr to time, and make a just and true estimate and ass aforesaid, make and sign a certificate of the same, and same with the town clerk; and the same being rat the town council, shall be binding and conclusive owner or owners of said land and real estate, and t common council shall cause the same to be converted a for the purpose aforesaid; *provided*, that any person sons conceiving himself, herself or themselves aggrie the proceedings of said common council, may appeal sixty days from the time of making the final order common council, to the court of common pleas in and county of Warren, and said court shall order a trial to assess the damages sustained by the party aggrie trial whereof shall be conducted as in other cases of jury.

**Proviso.**

5. *And be it enacted*, That in case of non-payment ten days after demand in writing, of any damages assessed and assessed as aforesaid, with interest from the date of assessment, in case of no appeal as aforesaid, the persons entitled thereto may sue for and recover the same of the mayor and common council of said town, in an action of debt, with costs, in any court having cognizance thereof.

**Actions for debt, &c., may be instituted.**



e said proceedings of the said commissioners and common council shall be conclusive evidence against the defendants.

6. *And be it enacted*, That the town treasurer shall, under the direction of the common council, tender and pay to the owner or owners as aforesaid, if resident of the town, the amount of such estimate and assessment due to him or them, and if such owner is not resident in the town, or cannot be found therein, or is a lunatic, idiot, under age, or from any other lawful cause shall be incapacitated to receive the same, if such owner shall not accept the same and sign a receipt therefor when tendered, then the said treasurer shall make affidavit of such facts, and file the same with the town clerk, and the common council shall direct the amount to be placed in the town treasury, for the use of the person to whom it may be due, without interest, on demand.

Treasurer to pay assessments.

7. *And be it enacted*, That whenever the common council shall, by resolution or ordinance, direct any of the foot or sidewalks along any of the streets or alleys of said town to be paved, curbed or guttered, the committee on streets and ways shall give printed or written notices to the person or persons in front of whose lot of ground such paving, curbing or guttering is required to be done, requiring the foot or sidewalks in front of their respective lots or grounds to be paved with brick, gravel, cement or flat stones called flagging, and be supported by curb stone and gutter stones of the size and quality as said resolution or ordinance may direct; such pavement to be laid from the line of the lots or ground to the curb stone.

Paving, curbing and guttering streets.

8. *And be it enacted*, That if any owner or owners of lots or grounds where such footwalks, curbing, paving and guttering are directed to be put down shall refuse or neglect to put the same down for the space of thirty days after having been notified by the committee on streets and alleys, as aforesaid, it shall and may be lawful for the said committee on streets and alleys, and they are hereby enjoined and required, to lay such footwalks, set the curb stone and guttering in front of such lots or grounds, or to repair the same at the expense of the town, keeping an account of the expense thereof, and certifying the same to the mayor, who shall thereupon issue his warrant to levy the costs of curbing, paving, guttering, or repairing thereof, with twenty per centum surcharge thereto and costs, on the goods and chattels found on such grounds, or by taking the rents and profits thereof

Failure of owner to pave &c.

until the same is paid and discharged, or the sums recovered as debts of like amount are recovered, and tenants of such premises are hereby authorized to be required to pay the same out of the rents which are due, or thereafter become due, for such lots or premises, the sums recovered shall be paid into the treasury for the use of the town.

Penalty for curbing with rejected stone.

9. *And be it enacted*, That the committee shall cause all curb stones provided by the owners of lots or grounds, to be examined, and if they are not of sufficient length and depth, and of good quality, or not be dressed so as to form even joints and proper surface, with a proper level on the top and front, shall cause the same to be rejected; and if any owner shall cause any of the stones rejected to be put in place to support a pavement or footwalk, he shall pay one dollar and twenty-five cents for every foot in measure, of the length of such stone, to be recovered by the town, before any mayor, or any justice of the peace, or paid into the town treasury, for the use of the town.

Owners to keep pavements in repair.

10. *And be it enacted*, That the owner or owners of lots or grounds in front of which pavements or footwalks have been laid down, shall be required at all times to keep the same in good repair, and upon refusal or neglect to do so for ten days after being notified by the committee on streets and alleys, the owners shall be subject to the same penalties as are prescribed in the eighth section of this article.

Crossings of streets.

11. *And be it enacted*, That the committee on streets and alleys shall cause the crossing of the streets and alleys of the town, at all places where it shall be deemed by them, to be paved at the expense of the town, with flat stone, or otherwise, so as to enable persons to pass from one footwalk to another with as little inconvenience as possible.

When owners are incapacitated.

12. *And be it enacted*, That in case the owner or owners of said lots cannot be found, or shall be incapable of making an agreement for sale of land as aforesaid, the commissioners shall proceed as if no agreement had been made.

Council to proceed when owners are incapacitated.

13. *And be it enacted*, That in case the owner or owners of a lot in front of which the sidewalk is damaged, paved, curbed or guttered as aforesaid, cannot

shall be incapacitated by law from acting on the notice as aforesaid, then the common council may proceed as if notice had been given to and neglected and refused by the owner of said lot or lots.

14. *And be it enacted*, That the common council shall not appropriate or expend more than six thousand dollars in each year for grading and paving the streets and alleys of said town. Amount to be expended

## ARTICLE VI.

### OF TAXES AND THEIR COLLECTION.

1. *And be it enacted*, That it shall be lawful for the council to raise by tax, every year, so much money as they may deem expedient for the purpose of lighting the streets, supporting a day and night police, for repairing, opening, straightening and widening any streets, roads or alleys, maintaining the poor, supporting, and maintaining public schools, erecting a town prison, market-houses, engine-houses, and lock-up, for contingent expense, and all other purposes authorized by this act; and that the resolution directing the raising of said tax shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other; and every male resident of said town over the age of twenty-years shall be assessed the sum of one dollar as a poll tax; and said council may borrow such sum or sums of money as may be necessary in anticipation of the payment of said taxes, and may secure the payment thereof by bond or other instrument; but it shall not be lawful for the said council to raise any sum of money by loan, as aforesaid, greater than the amount of tax assessed in the same year, which tax shall not exceed the sum of seven and a half mills on the dollar for town purposes, exclusive of the construction of public buildings, obligations for war debts, poll tax and capitation tax, for school purposes. Taxes, how raised and for what purpose.

2. *And be it enacted*, That all taxes for town purposes shall be assessed by the assessors in the manner directed by the laws of this state and in accordance with the provisions of this act, for assessing; and all taxes so assessed for town purposes shall be collected by the town collector in the same Assessment and collection of taxes.

**Interest allowed on payment of taxes.**

**Proviso.**

Time of finishing assessment.

**Board of as-  
sessor.**

### Freeholders to meet with assessors

Freeholders to meet with assessors.

5. And be it enacted, That the town council, deem the same advisable, may appoint one free ward, who, having first taken an oath or affirmation truly, faithfully, honestly and impartially duties of the trust confided to them, shall meet

sessors and with them constitute a board of review as aforesaid.

6. *And be it enacted*, That in case any taxpayer shall make it appear to the satisfaction of the council that he has not been notified of the time and place of the meeting of the commissioners of appeal, according to the laws of this state, in consequence of which he has neglected or refused to pay the tax assessed against him or her, the council may convene at any time as commissioners of appeal, hear the applicant, and decide upon the application as they may deem right in the premises, as if legal notice as aforesaid had been given to the applicant. Council to hear applications.

7. *And be it enacted*, That in case the collector shall neglect or refuse to notify any taxpayer of the amount of tax assessed against such taxpayer, and of the time and place of the meeting of the commissioners of appeal, according to law, he shall for every such offence forfeit and pay the sum of ten dollars, and be liable for all expenses, losses or damages incurred by the town and taxpayer in consequence of such neglect or refusal. Penalty of collector refusing to notify tax payer.

8. *And be it enacted*, That the town collector, in case of non-payment of taxes on or before the first Tuesday of November in each year, shall make out a list of the names of delinquents, with the sums due from them, respectively, and shall deliver the same to the clerk of the town on or before the second Tuesday of November in each year; and it shall be the duty of the clerk to lay the same before council at a meeting thereof next after the same shall be delivered to him, and thereupon the said council shall deliver the same to a justice of the peace, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law, but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor or a justice of the peace in said town, that the moneys in said list mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said town. Collector to make out list of delinquent tax payers.

9. *And be it enacted*, That whenever within the said town any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for and shall be the Interest to be charged on unpaid taxes.

duty of the collector to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from the twentieth day of December, until the same is paid; and the interest shall be paid over by the said collector to the treasurer of the town, in like manner, at the same time. He may be required to pay over to said treasurer all that he has collected.

Money collected on warrant to be paid to treasurer.

Statement.

10. *And be it enacted*, That all moneys hereafter collected on warrants for the collection of delinquent taxes in the several wards of the said town of Phillipsburg, for town purposes, shall be paid over from time to time by the collector executing said warrant, and at least once a month to the treasurer of said town, and to no other person; he shall, before the first day of April then next ensuing, make a full return of said warrant to the justice who issued the same, and a full return of the proceedings thereon, and at the same time make a full return and statement to the common council of said town, setting forth the amount of money received by him thereon, the sum, if any, remaining unpaid, the names of all persons still in arrears, and the sums due from them respectively, which statement shall be verified by the oath of said collector; and if said collector shall neglect or refuse to collect the tax on said warrant of and from any inhabitant named therein, as directed in said warrant, and has goods and chattels within said town sufficient to make satisfaction of the same, he shall be liable to said town for said amount of money neglected or refuses to collect, to be recovered by the town of the town, for the use of the town, in the manner provided by the twenty-third section of the act entitled "An Act concerning taxes," approved April fifteenth, eighteen hundred and forty-six.

Vacancy in office of collector.

11. *And be it enacted*, That in case the collector shall be dead, absent, or incapable of serving the tax warrant, and in that case only, the council may order said warrant to be directed to any constable in the county of Warren, who shall perform the duties and be liable to the penalties imposed upon the collector by this act.

Taxes and assessments to remain a lien.

12. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed or made upon lands, tenements or real estate situate in the town of Phillipsburg aforesaid, shall be and remain a lien thereon notwithstanding any demise, descent, alienation, mort-



other encumbrance thereon; and if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the said council for the payment thereof, it shall be lawful for the said council to cause such lands, tenements or real estate to be sold at public auction, for the shortest term for which any person will agree to take the same and pay such tax or assessment, or balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute, under the common seal of said town, a declaration of such sale, to be signed by the mayor and town clerk, and deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; but said council shall first cause said sale to be advertised at least sixty days in a newspaper published in the county of Warren, and circulating in said town, or by advertisements put up in at least five public places in said town, or by both; which advertisements shall describe said lands, tenements or real estate, and specify the amount of the assessment or tax; and the recitals of such declaration of sale shall be *prima facie* evidence in all courts and places of the assessment, advertising the sale; *provided*, that the lands, tenements and real estate so sold may be redeemed by the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale, for either taxes or assessment, or for both, by paying to the treasurer of said town, for the use of the said purchaser, the purchase money, together with any other sums paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto, and the certificate of the treasurer, stating such payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a mortgagee shall have power to redeem at any time until the expiration of the six months notice herein specified; no mortgagee whose mortgage shall have been recorded before sale for any tax or assessment, shall be affected by such sale, unless six months notice in

Lands to be  
sold at public  
auction.

Sale to be ad-  
vertised.

Proviso.

writing shall have been given to him by the purchaser or those claiming under him, either personally, or if not found in said town, then such notice shall be deposited in the post office in said town, directed to him at his last known place of residence, or at the post office nearest the place of residence; and nothing herein contained shall be so construed as to limit the lien created by such tax, assessment or sale to any particular term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall the right of the purchaser, or those claiming under him, to redeem the same, or to a right of redemption to said land, tenement or real estate, until the expiration of the time limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall have the right at the expiration of such a declaration of sale, to redeem the same, and to render the said lands, tenements or real estate in the same state and condition as when he entered thereon, notwithstanding any accidents and accidents excepted.

A adjournment  
of sale.

13. *And be it enacted*, That the said sale of lands, tenements or real estate for assessments or taxes may be adjourned or postponed from time to time, or suspended, at the discretion of said council may direct; and if at any sale the whole or any part thereof, shall remain unsold for want of purchaser, then it shall be lawful for the said council to adjourn the said sale not less than thirty days, nor more than six months, and to give twenty days notice at least shall be given as aforesaid of the adjournment of said sale, and if at the adjourned sale there shall be no purchaser of said lands, tenements or real estate or any part thereof, then it shall be lawful for the said council of said town to purchase said lands, tenements or real estate for the use and benefit of the town, subject to the same provisions as herein provided for; and all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by the mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and shall have the preference over all other liens on said lands, tenements, or real estate; and on foreclosure of such mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on the sale of said lands, any such judgment, shall be paid out of the proceeds of the sale; and a complete record of all taxes and assessments shall be kept in the town clerk's office, which record



contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of sale, to whom sold, and if redeemed, when and by whom.

14. *And be it enacted*, That it shall be the duty of the town clerk to record in a book to be called "record of sales," all declarations of sales as aforesaid, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the town treasurer of such redemption, and to file such certificate in said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office.

Record of sales to be kept by town clerk.

15. *And be it enacted*, That it shall be the duty of the council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments and taxes as aforesaid, by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

Notice to be given of time for redemption of land.

16. *And be it enacted*, That in all cases where an assessor is interested as owner or part owner of any taxable real property in his ward, the council may appoint a freeholder and resident of said town to make an assessment of said property, first taking an oath or affirmation that he will truly, faithfully and impartially perform the duties of the trust confided to him.

Assessment to be made when assessor is interested.

## ARTICLE VII.

### OF ORDINANCES.

1. *And be it enacted*, That no ordinance shall be passed by the common council except with the concurrence of a majority of all the members of the council; and each and every ordinance so passed as aforesaid shall be published for the space of twenty days in a daily newspaper published or circulated in said town, or posted up in five of the most public places in said town; *provided*, that no ordinance shall be passed unless the same shall have been introduced before the

Passage and publication of ordinances.

Proviso.

common council at a previous meeting, and read the before the vote is taken on its final passage.

Ordinances to  
be recorded.

2. *And be it enacted*, That all ordinances shall be in a book provided by the council specially for that which said book of record of ordinances shall be and taken as evidence of the passage of all ordinances recorded therein; and further, the volume of ordinances printed by authority of the common council shall in manner, be received and taken as evidence of the passage thereof; and the publication of said ordinances into law, shall in all cases be presumed to have been until the contrary be proved.

Jurisdiction of  
justices of the  
peace.

3. *And be it enacted*, That every justice of the peace of said town is hereby empowered and shall have jurisdiction, on oath or affidavit that any person or persons have been guilty of a violation of any of the ordinances of said town, to issue a process either in the nature of a summons or of a warrant, as to him may seem most proper against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than three nor more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return of such process at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that if judgment shall, if judgment be rendered for the plaintiff, issue execution against the goods and chattels, and the body of defendant or defendants; *provided*, that in all cases when the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there shall be a trial by jury, to be conducted as in cases now provided for by law in courts for the trial of small causes, and also as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided* that in all cases an appeal may be made to the council from the imposition of any penalty that may be inflicted or adjudged.

Proviso.

Proviso.

## ARTICLE VIII.

## MISCELLANEOUS PROVISIONS.

1. *And be it enacted*, That all the acts, resolutions and ordinances of the common council of the town of Phillipsburg that may be in force when this act shall go into effect, as far as not inconsistent with this act, shall be and continue in force until altered or repealed by the common council; and nothing in this act shall be construed to invalidate or affect any contracts, agreements or liabilities of the town of Phillipsburg heretofore legally given, made or entered into for any purpose whatever; and the several officers of the town of Phillipsburg at the time of this act taking effect, shall continue to exercise all the powers of their respective offices under former acts of incorporation, until others are elected and qualified under this act.

Acts, ordinances and contracts not invalidated

2. *And be it enacted*, That all suits, warrants, actions or process for the recovery of fines or debts due to said town, in violation of ordinances of said town, shall be in the name of "The Inhabitants of the Town of Phillipsburg."

Actions, &c.

3. *And be it enacted*, That upon the trial of any issue, or upon any judicial investigation to which the town of Phillipsburg is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of being an inhabitant of said town.

No person incompetent.

4. *And be it enacted*, That the town council are hereby authorized and required to issue, in the name of "The Inhabitants of the Town of Phillipsburg," coupon bonds, for the purpose of paying the existing bonds of said town for war debts, to the amount of said debts, bearing interest at the rate of not over seven per centum per annum, payable half-yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof; and said bonds may be sold at public or private sale, at not less than the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid, which bonds shall be denominated on the face thereof, "War Bonds of the Town of Phillipsburg;" and for the purpose of paying war bonds, and the interest thereon, as the same may become due, the said council are hereby authorized to assess and collect annually a tax sufficient to pay the interest each year, and to consti-

Authorized to issue bonds.

War bonds.

tute a proper sinking fund for any portion of which may exist; which tax shall be in addition to the tax authorized by this act; and the collector shall collect and pay the same to the town treasurer in the same manner as other taxes; and said tax shall be entered separately on the notice given by the collector to tax payers, and the same shall be kept separate and distinct from all other taxes.

Duties of the  
treasurer.

5. *And be it enacted*, That said war bonds shall be numbered, and the coupons or interest warrants attached shall be numbered and signed by the treasurer, and a registry of the number, denomination, date of issue, and time of payment, shall be made by the treasurer and the town clerk, in separate books kept for that purpose; the coupons, as paid, shall be cancelled by the treasurer and pasted in order of date, in a book kept for that purpose; the bonds, as paid, shall be cancelled and carefully filed by the treasurer; and when any person purchasing more bonds of the denomination of five hundred dollars desires to receive a registered bond or bonds of that denomination, the same shall be issued payable to the purchaser in his order, without coupons or interest warrants attached; the same shall be duly registered in a book kept for that purpose by the treasurer, and be transferable only in person or by the attorney, in the books of the treasurer.

Principal to  
become due  
when interest  
is not paid.

6. *And be it enacted*, That in case the interest on any bond issued under the authority of this act shall not be paid within ten days after demand made of the treasurer in writing, then the principal of said bond shall become payable, and suit may be brought to recover said principal and interest.

Council, by  
ordinance, to  
establish regu-  
lations.

7. *And be it enacted*, That it shall be the duty of the council, by ordinance or ordinances, to prescribe and establish the duties and establish all needful regulations for the government of all officers in the different departments of the corporation, and to require any of them to make reports at stated periods during the year, and to deliver into the town treasury of all money, fines, penalties, and any other source not herein otherwise provided for.

Inns and tav-  
erns subject to  
act, &c.

8. *And be it enacted*, That every license granted to an inn and tavern, and the person or persons to whom the same shall be granted, shall be subject to the provisions of the act of the legislature of New Jersey entitled "An act concerning inns and taverns," and the supplement a

ments thereto, except so far as they may be inconsistent with the provisions of this act.

9. *And be it enacted*, That nothing in this act shall authorize the removal of any dwelling house in said town.

10. *And be it enacted*, That it shall be lawful for a majority of the voters of said town, voting at the annual charter elections, by ballot (by specifying the amount desired, and the object or objects for which it is desired to have it appropriated, and the manner in which it is desired to have it raised, whether by tax or loan, on the same ticket or ballot in which the names of those voted for the offices in said town are written or printed), to direct to be raised by loan or tax, from year to year, such sum or sums of money, not exceeding one thousand dollars in each year, in addition to that hereinbefore directed or authorized to be raised by the common council of said town, for the purchase of land for a cemetery, erection of public monuments, purchase of land for a public park, and to enclose and lay out said grounds; said loans so directed to be raised shall then be carried out on the best terms that can be obtained by the common council of said town, and a certificate or certificates of loan or a bond or bonds to be issued therefor, as in other cases; and any sum or sums of money so directed to be raised by tax shall be assessed by the assessors on the property within said town, and collected in the same manner and at the same times as other taxes; and when several sums are voted for, that sum receiving the highest number of votes, not exceeding one thousand dollars as aforesaid, whether by tax or loan, shall be raised.

Taxes may be raised for public pur-  
pose.

11. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts included in or inconsistent with or repugnant to this act, are hereby repealed, but nothing herein contained shall be construed to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried out in all respects in the same manner, and with the same effect, as though this act had not been passed.

Act, how construed.

12. *And be it enacted*, That in all cases before the common council the mayor or the presiding officer of council may subpoena witnesses and administer the necessary oaths or affir-

Witnesses to be subpoenaed

- mations, and the common council may enforce the attendance and answer of such witnesses by fine and imprisonment.
- Ordinances.** 13. *And be it enacted*, That whenever the common council shall cause a revision of the ordinances of the town to be made, and shall direct the same to be published in a printed form, such revised ordinances shall take effect without the publication as heretofore required in this act.
- Record of ordinances.** 14. *And be it enacted*, That the books of record kept by any officer of the town, under and by virtue of the provisions of a town ordinance, shall be admitted as evidence of the contents and things therein contained, and recorded in all courts and places whatever.
- Common council.** 15. *And be it enacted*, That the common council may provide all means necessary to carry into effect the objects and purposes of this corporation, not repugnant to this act, the constitution and laws of this state and the United States.
- Certain provisions not to apply.** 16. *And be it enacted*, That the provisions of this act relative to streets and alleys shall not apply to the lands owned by "The Trenton Iron Company" (now "The Andover Iron Company"), within the limits of said town on the second day of March, eighteen hundred and sixty-six.
- Legislature may repeal.** 17. *And be it enacted*, That this act shall be deemed to have been taken a public act, and shall go into effect immediately, and the legislature may at any time alter, modify or repeal the same.

Approved March 8, 1872.

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## CHAPTER CCIX.

A Further Supplement to an act entitled "An Act to incorporate the Camden Horse Railroad Company," approved March twenty-third, one thousand eight hundred and sixty six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Camden Horse Railroad Company be, and they are hereby authorized and empowered



to build, maintain, and use a railroad or railroads on any public road or highway in the city of Camden, or any public road or highway extending from said city into the county of Camden. Authorized to build railroad on public roads.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 11, 1872.

## CHAPTER CCX.

An Act to promote Medical Science in Hudson County, State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of any regularly organized and chartered medical society or societies in the county of Hudson, state of New Jersey, may receive the remains or body of any deceased person, for the purpose of medical and surgical study; *provided*, that said remains shall not have been desired for interment by any relative or friend of said deceased person within twenty-four hours after death; *provided, also*, that the remains of no person who may be known to have relatives or friends shall be so delivered or received without the consent of said relatives or friends; *and provided*, that the remains of no one detained for debt, or as a witness, or on suspicion of crime, or of any traveler, nor of any person who shall have expressed a desire in his or her last sickness that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner; *and provided, also*, that in case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend, they shall be delivered up to said relative or friend for interment. May receive remains of deceased persons. Proviso. Proviso. Proviso.

2. *And be it enacted*, That it shall be the duty of said members of said medical society or societies decently to bury in some public cemetery, the remains of all bodies after they shall have answered the purposes of study aforesaid; and Remains to be decently buried.

for any neglect or violation of this provision of this party so neglecting shall forfeit and pay a penalty of more than twenty-five nor more than fifty dollars, to be levied by the health officers of said county for the benefit of the health department.

Remains to be used for medical study, &c

3. *And be it enacted*, That the remains or bodies of persons as may be received by the members of medical societies as aforesaid, shall be used for the purpose of anatomical and surgical study alone, and in this county only; and no person shall ever shall use such remains for any other purpose, or remove such remains beyond the limits of this county in any manner traffic in the same, shall be deemed guilty of a misdemeanor, and shall on conviction be imprisoned for a term not exceeding one year in a county jail.

No body to be buried within or without county without certificate

4. *And be it enacted*, That no body shall be buried or transported beyond the limits of this county, without a certificate of the cause of death, signed by a reputable physician or surgeon, together with his place of residence, and a permit from a coroner, and countersigned by the clerk, who shall keep a register of the same.

Penalty for violation of this act.

5. *And be it enacted*, That any person knowingly offering or receiving any body for anatomical purposes, or removing or transporting any body contrary to the provisions of this act, shall be deemed guilty of a misdemeanor.

Repealer.

6. *And be it enacted*, That all laws so far as inconsistent with this act are hereby repealed.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1872.

## CHAPTER CCXI.

An Act to incorporate the Telford Pavement Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Daniel Brennan, junior, John Spottiswoode, Wallace Vail and George W. F. H.



and such persons as may become associated with them, and their successors, are hereby created a body politic and corporate, in fact and in law, under and by the name of "The Telford Pavement Company," and by that name shall be capable of purchasing, acquiring, holding, using, conveying and disposing of all such real and personal estate as may be necessary for carrying out the objects of the incorporation, or which may be transferred to them for the payment of any debt; and that their principal office shall be located at the town of Orange, in the county of Essex.

2. *And be it enacted*, That said company shall be authorized to carry on the business of grading and draining lands, and of sewerage, curbing and flagging streets and roads, and of paving or macadamizing streets and roads with stone, concrete and other materials; to enter into and make contracts for such grading, draining, sewerage, curbing, flagging, paving and macadamizing; to manufacture, purchase and lay patent and other pavements; to buy, use or sell patents or patent rights for any process or processes connected therewith; and to transact all business in relation thereto.

May grade and drain lands and lay patent pavements.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, divided into shares of one hundred dollars each, which stock shall be personal property, and shall be transferable only upon the books of the company, in accordance with its by-laws; and that said company may organize for the transaction of business as soon as fifty thousand dollars of said stock shall have been subscribed and paid in.

Capital stock.

4. *And be it enacted*, That the affairs of said company shall be conducted by not less than three nor more than five directors, who shall be stockholders, and of whom a majority shall constitute a quorum; that the first board of directors shall be elected by the stockholders, and by a plurality of votes, as soon as may be after the said sum of fifty thousand dollars of capital stock shall have been paid in, and afterwards, on the second Monday in January in each year, in accordance with the by-laws; but that said corporation shall not abate because of any failure to elect such directors as aforesaid; and that any vacancy may be filled by the remainder of the board for the unexpired term.

Affairs, how managed.

Vacancies, how filled.

5. *And be it enacted*, That the said directors shall have power to take, in behalf of the company, any property suit-

Books of subscription.

able for the purposes of said company, at a valuation agreed upon and in lieu of cash subscriptions; and a open books of subscription, from time to time, until the capital stock shall be taken, and to require payment subscriptions to said capital stock, by installments, and such forfeiture or forfeitures as they may deem expedient.

May make by-laws.

6. *And be it enacted*, That the said directors may alter and repeal all such by-laws, and may appoint and move all such officers or agents as they may think proper necessary for carrying out the objects of the incorporation *provided*, that such by-laws shall not conflict with any laws of this state.

Proviso.

Dividends.

7. *And be it enacted*, That the said directors shall likewise have power to declare and pay dividends out of and the earnings or profits of said business.

Limitation.

8. *And be it enacted*, That this act shall continue in force for thirty years from the time of its passage, and shall have effect immediately.

Approved March 13, 1872.

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## CHAPTER CCXII.

A Further Supplement to an act, entitled "A further supplement to 'An Act for the preservation of deer and game,' " approved March seventeenth, one thousand eight hundred and seventy.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of the act which this is a further supplement, which prohibits the killing of water fowl, during certain seasons, within the limits of the township of Brick, in the county of Ocean, be so amended as to read, between the first day of September and the first day of April, yearly and every year, instead of "between the first day of October and the first day of April yearly and every year," as the said act now reads.

Repealer.

2. *And be it enacted*, That so much of the said act

inconsistent with the provisions of this act be, and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1872.

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### CHAPTER CCXIII.

A Supplement to the act entitled "An Act to incorporate the Cape May and Millville Railroad Company," approved on the ninth day of March, eighteen hundred and sixty-three.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Cape May and Millville Railroad Company, shall be, and hereby is, authorized to increase its capital stock, in the discretion of its board of directors to any sum not exceeding one million dollars. Increase of capital stock.

2. *And be it enacted*, That the said company and the West Jersey Railroad Company, whose roads are connected at Millville, may, at any time or times hereafter, enter into or make any such agreements, contracts or arrangements for the consolidation of their capital stocks or property, or business; or to enter into or make such other arrangements for uniting, promoting and harmonizing their business, as their respective boards of directors, for the time being, may think proper. May make agreements and contracts.

3. *And be it enacted*, That so much of the fourth section of the charter of the said Cape May and Millville Railroad Company as requires its annual election of directors to be held in either the county of Cumberland or the county of Cape May be, and the same is hereby repealed. Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1872.

## CHAPTER CCXIV.

An Act to authorize the town of Newton, in Sussex  
to issue bonds.

Preamble.

WHEREAS, the people of the town of Newton, in the county of Sussex, in order to secure a railroad between the town of Newton and Franklin, in said county, agreed with the Sussex railroad company, in consideration that it would construct said railroad, to pay it twenty-five thousand dollars; and whereas, the said company have nearly completed said railroad, and it is proposed as a means of raising said money, and to afford time to meet the obligations thereof, to issue the bonds of the town; therefore

May issue  
bonds.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the said town of Newton be authorized to issue the bonds of the said town to the amount of twenty-five thousand dollars, payable not more than five hundred dollars thereof in any one year, with interest at seven per centum, with interest coupons annexed, to be paid semi-annually, to be signed by the chairman of the town committee, and countersigned and registered by the town clerk.

Proceeds, how  
applied.

2. And be it enacted, That the said bonds shall be payable to any individual or bearer, and shall be negotiable as promissory notes are, and when executed as such, they shall be deposited in the Merchants' National Bank of Newton for safe keeping; they shall be negotiable for less than their par value, and the proceeds thereof shall be to the credit of said town in said bank, and to be paid to said Sussex railroad company, in payment of said bonds, when said railroad is completed, as received by the town committee, time to time on the order of the chairman or any two members of the town committee.

Yearly pay-  
ment.

3. And be it enacted, That the town committee shall have power and authority to provide by taxation for the redemption of said bonds and interest thereon, and shall yearly, or every year, cause to be assessed and collected, as the annual assessments are made and collected in said town, a sum of money sufficient to pay the said bonds and interest.

as the same shall become due and payable, and the money so raised shall be applied exclusively to such purpose.

4. *And be it enacted*, That this act shall be taken to be a public act, and shall take effect immediately.

Approved March 13, 1872.

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## CHAPTER CCXVI.

An Act to vest lands absolutely in the trustees of the Beverly School District, in the township of Beverly, in the county of Burlington, and to enable said trustees to convey and dispose of the same.

WHEREAS, William Marter, by deed of conveyance, bearing Preamble. date the thirtieth day of November, anno domini one thousand eight hundred and fourteen, conveyed to George Weigant, Jacob Adams and Thomas Marter, trustees to the Coopertown school house, and to their heirs and assigns, for the purpose of building a schoolhouse thereon, that certain lot of ground situate in the township of Willingborough, in the county of Burlington, bounded as follows, viz: beginning at a stone corner to a lot of Ashabel Jones, deceased, and to William Marter's land, and runs by the same, south thirty-eight degrees, east three chains and sixteen links to a stake in the middle of the road that leads from Burlington to Rancocas toll bridge; thence along the middle thereof, north fifty-two degrees and fifteen minutes, east one chain and thirty-two links to a stake, corner to said Jones; thence along said Jones' line, north twenty-eight degrees, west one chain and ninety-four links to another stake, corner to said Jones; thence by the same, north eighty-one degrees, west two chains and forty-one links, to the place of beginning, containing one rood and twenty-eight perches of land, be the same more or less; and whereas, it is believed the words "heirs and assigns," in the said deed, were incorporated therein, through inadvertence or defective conveyancing; and whereas, the said

lot has been since the date of the said deed, used for school purposes, and there is now thereon a building that at all times used as a school building; and where the school district heretofore known as the Coopertown school district has been merged into and become a part of the school district; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to said lot and premises be, and the same is hereby declared to be, vested, in fee simple absolute, in the trustees of the school district, and their successors in office, of the township of Beverly, free, clear and discharged of, and from every, the trust, limitations and conditions, subject to which the same has been heretofore held, and with full power to convey and dispose of the same in fee simple absolute to any person or persons whatever, by deed of conveyance to be executed and attested by the said trustees in the same manner, and the moneys arising from said sale shall be appropriated for school purposes in said township of Beverly, and for no other purposes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1872.

## CHAPTER CCXVIII.

An Act to incorporate the Stanhope Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, Jolly, Edmund Canfield, William Allison, William J. Jolly, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Stanhope Railroad Company," that name they and their successors and assigns shall use, and may have continual succession, and shall be persons

capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding the cost of the railway and appurtenances which are hereinafter authorized; and the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said company shall direct. Capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times and place or places as they, or a majority of them, may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporators, or a majority of them, may give notice for a meeting of the subscribers, to choose nine directors; and such election shall be made at the time and place appointed in the said notice, by such subscribers as shall attend for that purpose, either by lawful proxy or in person, each share of the capital stock entitling the holder thereof to one vote; and the above named corporators, or the majority of them, shall be inspectors of such election, and certify under their hands the names of those persons duly elected directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid shall, at their first meeting, or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who Subscriptions for stock.

Election of directors.

Vacancy, how filled.



shall have such power and functions as the by-laws of the company shall provide.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the year provided for pursuant to this act, it ought to be made, the said company shall not for that cause be deemed to be dissolved, and a new election may be held at any other time, and the directors elected at the time being shall continue to hold their office until their successors shall have been chosen in their places.

May call in  
amount sub-  
scribed under  
penalty of for-  
feiture.

Proviso.

5. *And be it enacted*, That five directors of the said company shall be competent to transact all business of the company, and they shall have power to call in the stock of said company, by such installments, not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall be called for at a shorter period than thirty days from the time when they are due; and in case of the non-payment of said installments by any of them, to forfeit the share or shares upon which the default shall arise; and to make and prescribe such rules and regulations as to them shall appear necessary and proper, touching the management and regulation of the property, estate and effects of the said company; and they shall have power to appoint a treasurer and a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to remove them, as to said board shall appear proper.

Authorized to  
construct rail-  
road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary or expedient to survey, locate, out, construct and operate a railroad, by such route as they shall deem expedient, from some point on the north side of Kill mountain, within three miles of Lake Hopatcong, to the Morris and Essex railroad at Stanhope, or to some other point on Lake Hopatcong; but said railroad shall not exceed thirty feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of ties and rails as said company may deem necessary; and it shall be lawful for said company, or others in their employ, to enter upon all lands or waters for the purpose of locating, surveying, leveling, and laying out the route of the said railroad, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, and appurtenances and appendages thereof, doing no unnecessary

May enter on  
lands.



to private or other property; and when the route or routes of such railroad, and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight to and from the terminus thereof, to and from the city of New York and elsewhere, subject to such compensation as is hereinafter provided; *provided always*, that Proviso. the payment or tender of the payment of all damages for the occupancy of lands through or upon which the said railroad and its conveniences, appurtenances and appendages may be laid out or located, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That if the owner of the land on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and said company and owner cannot agree as the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price of value of said land, who shall be sworn or affirmed faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom Proceedings in case company or owners cannot agree.

Proceedings  
in case of ap-  
peal.

owned, how situated and bounded, and described in writing under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, and by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the proceedings before him relating thereto, there to be kept as records, and copies taken if required by either party. If either party shall feel aggrieved by the decision made by the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision is awarded, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire in writ form for a jury before them, who shall hear and find the same, and termine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners then judgment shall be given, with costs to the said company, and execution issue if need be, but if the said jury shall be demanded by the owner or owners, they shall find the same or a less sum than the said commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be ordered by the said court; and upon payment of tender of the sum so found by the said commissioners or by the jury, the costs, if any, the said company shall be deemed to have paid, and the said lands shall be deemed to have been lawfully and possessed in fee simple of all such lands and real estate appraised as aforesaid.

Proceedings  
when owner is  
incapacitated  
to receive  
award of com-  
missioners.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under disability, non compos, out of the state, or under any other disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report, so made in writing by any such person into the court of chancery, to the clerk thereof, subject to the order of the said court, for the benefit of any such owner or owners, all of which said proceedings shall be well under this as the preceding section of this act, and at the proper costs and charges of the said company.

in cases of appeal above provided for ; and the said justice shall and may order and direct as to the amount of costs and charges of such valuation and appraisement and witness fees, and as to the payment thereof in cases where an appeal is made ; and it shall be lawful for the said corporation at any time during the continuance of its charter from time to time to unite and consolidate as well as merge its stock, property, franchises and road with those of any other corporation or corporations heretofore or hereafter incorporated within or without this state, and such other corporation and corporations are hereby authorized to unite, consolidate and merge their stock, property, franchises, road and roads with this corporation, and after such merger into this corporation this corporation may from time to time lease its roads, franchises and property, or any part thereof, to any other corporation or corporations within or without this state, and such other corporation and corporations are hereby authorized to take such lease or leases, and this and the other corporation or corporations may use and operate this road or their own roads, or all or any of them according to the provisions and restrictions contained in the charter of this corporation or in the charter of such other corporation or corporations or both, and this and the other corporations may make contracts and engagements with any other corporation or corporations or with individuals for operating this road or said other roads or parts of either or both as well as for transporting passengers, freight and trains over this road and said other roads or any part thereof or over any road, and demand and receive for the transportation of passengers, freight and trains over their roads and the roads of such other corporations as are above mentioned, and over any other roads the same rates of fare, freight and toll as are authorized to be charged by this corporation for like services over this road ; and this corporation may be known by such new name as its directors shall by certificate filed in the secretary of state's office declare to be its name, and to build this road and the road of any other corporation which may lease the same, it and its lessees may make the bonds and mortgages hereinafter authorized, and it and its lessees, successors and assigns may exercise and possess all the railroads, franchises and property so as aforesaid merged into it without restriction as to the gauge of tracks, in the same manner and with like effect as if it had been specially created by act of the

Corporation  
may unite,  
consolidate  
and merge  
stock with  
other corpora-  
tions.

May make  
contracts.

Directors may  
change name.

legislature of this state to exercise the same, and the legislature shall have power to alter, revoke or annul this act whenever the courts shall have decided it to be injurious to the citizens of this state by reason of a misuse of the powers herein granted and not otherwise.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over or under the said railroad, where any other road shall cross the same, so that the passage of carriages, horses and cattle across the said road shall not be impeded thereby; and if the company neglect to perform the same, after giving twenty days' notice to the company, any person or the public officers having charge of the road may do the work, or cause it to be done, and recover the value thereof from the company, by common process of law.

May purchase equipments.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed and purchase with the funds of said company, and to place on said railroad constructed by them, all machines, engines, cars, carriages or vehicles for the transportation of persons and property of every species of property thereon as they may think reasonable and expedient or right; *provided*, they shall not charge more than the rate of twelve cents per mile per ton for the transportation of property on the said railroad, or eight cents per mile for carrying each passenger on said railroad, in the cars of the company, or six cents per ton per mile for each ton of property transported, or four cents per mile for each passenger carried over said railroad in the carriages of other persons; that the railroad and its appendages, and the land occupied by the same shall pass, and all the works and improvements, including steam engines and carriages, and all other property ever belonging to the said company at any time or times, shall be hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates for transportation

Dividends.

11. *And be it enacted*, That the president and directors of the said company shall, within one year after the said railroad shall be completed, declare and make such dividends as they may deem prudent and proper, of the net profits thereof, and in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company.

proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad constructed under the provisions of this act by the said company, or any of its bridges, carriages, machines, or appendages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction, in an action of debt, with costs, and further, shall be liable for all damages. Penalty for injuring works.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said railroad, and its several stations on the lines of the said railroad, to a sufficient extent to provide accommodations and conveniences for the business of said railroad, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as it may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain such bridges over any rivers or streams of water on the line of its railroad, as it may find expedient and necessary for the full enjoyment of all the benefits conferred by this act. May purchase and hold real estate.

14. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, Statement of costs to be made. State tax.

shall be in operation, the said corporation shall be assessed and pay tax for the value of its real estate, improvements thereon, and personal property, as in the city or cities, township or townships wherein in the same time and rate, and in the same manner, same purpose, and by the same person or persons taxes are assessed in said city or cities, township ships; *provided*, that no other tax or impost shall be assessed upon said company.

Proviso.

May borrow money and issue bonds.

15. *And be it enacted*, That the said company shall have the power, and it is hereby authorized to make its bonds for the purpose of securing their payment, to mortgage its real estate and personal property, railroad or railroads, and all the appurtenances, franchises, powers and privileges and rights belonging thereto, which it may possess under its charter of incorporation, to such amount as it may deem expedient, and to sell or negotiate the same at such rate of interest and discount as it may deem for the best interests of the company, without invalidation thereof by virtue of any law of this state; and the said bonds and mortgages so issued and negotiated, shall be valid and binding in law and equity upon the purchaser or purchasers under a decree in equity for the closure founded upon any such bond or mortgage, and shall be invested with all the estate, rights, franchises, powers and privileges, which are or may be conferred upon or possessed by said company under or by virtue of its act of incorporation, and any supplements thereto, subject, nevertheless, to all restrictions, conditions and limitations contained

Free passes.

16. *And be it enacted*, That the chancellor, judges of the supreme court, and members and officers of the legislature, shall have free passage on said road during the time for which they may be appointed or hold office.

17. *And be it enacted*, That this act shall be taken to be a public act, and shall take effect immediately.

Approved March 13, 1872.



## CHAPTER CCXIX.

An Act to provide for the laying out and the improvement of the streets, roads and avenues, in the township of Greenville, Hudson county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the election to be held in said township of Greenville, on the second Tuesday of April, eighteen hundred and seventy-two, it shall be lawful for the inhabitants thereof, to elect five street commissioners, who shall enter upon the duties of their office on the first day of May next, as successors of the present street commissioners in said township, with all the rights, powers, and duties herein conferred upon them; all the laws regulating township elections in said township of Greenville, shall be applicable to the election provided for in this section.

2. *And be it enacted*, That of said street commissioners Term of office. so elected, three shall hold their office for one year, and two for two years; and the said commissioners at their first meeting, after their election, shall determine by lot who of them shall hold office for one year, and who for two years, and file the result of said determination with the clerk of said township; and at each annual spring election thereafter, it shall be lawful for the inhabitants of said township to elect as many street commissioners as there are vacancies in said office, and those elected shall determine by lot, their term of office, whether for one or two years, said allotment always to be so arranged that each year the terms of office of three of the commissioners shall expire, and each year the people have an opportunity to elect at least three commissioners; all vacancies occurring by death, resignation, or removal from the township, shall be filled, by a majority of the remaining commissioners, until the first Monday of May next succeeding; the term of office of all commissioners elected, after the first election, shall commence on the first Monday of May next succeeding their election; the said commissioners shall each receive a salary of five hundred dollars per annum, payable monthly.

Street commissioners.

Vacancies, how filled.

Clerks to deliver maps to commissioners.

3. *And be it enacted*, That the said street commissioner of Greenville, elected as aforesaid, shall as soon as possible forthwith take from the Hudson county clerk's office the township clerk's office of the township of Greenville, maps filed in said offices by said commissioners, March second, eighteen hundred and seventy (1870), and said maps shall surrender to them said maps on demand therefor.

New map to be made and filed.

4. *And be it enacted*, That the commissioners to be appointed under this act, and their successors in office may make and file in the offices of the county clerk of Hudson county and the clerk of the township of Greenville, an entire map of the streets and avenues of said township, and in making said new map, they are authorized and empowered to lay down and name on said new map such present streets and avenues as they shall deem expedient to continue, and all new streets or avenues they may deem expedient to be laid out, and may change or alter any present street or avenue as to width, course, name or location as in the present map, if they may deem proper, but no street, road or avenue shall be less than fifty feet in width; the commissioners from time to time before the making and completion of said map, file in the office of the clerk of the township of Greenville, maps of separate streets and avenues as they may determine upon from time to time by said commissioners, and any street or avenue may be opened or improved, as a map thereof is filed in said township clerk's office.

Width of streets.

Power to open and improve any street or avenue.

5. *And be it enacted*, That the commissioners to be appointed under this act, and their successors in office, shall have from time to time, to open any street or avenue in the township of Greenville, and also power to improve any street or avenues in the said township, by making the same fit for public travel, by any method, including grading, curbing and guttering, and with any kind of material, and making sidewalks of plank, stone or other material, and making drains and sewers in all or any parts thereof, and such improvements shall, so far as they are made on the surface, be made to conform to the grade of such streets and avenues as established or altered by said commissioners.

Grade may be altered on application of owners.

6. *And be it enacted*, That the said commissioners, and their successors in office, may establish by resolution profile maps, the grade, pitch and level of all the streets and avenues in said township; and said resolutions shall be filed in the township clerk's office, and the said profile maps



also be filed in said township clerk's office; that the grade of any street or avenue, when once established by such resolution and profile maps, may be altered upon written application of the owners of five-eighths of the property, per lineal feet, along such street or road, when such alteration is asked for, and by the consent of the majority of the commissioners, and such alterations of grade shall be shown by new profile maps, made from time to time and filed in said township clerk's office; the grade, when established, may also be altered by resolution of the commissioners, on any street or avenue, or part thereof, when such street or avenue, or part thereof, has not been actually graded, and no buildings have been erected or commenced thereon, since the establishing of the former grade, and such alterations shall be shown on profile maps, to be filed as aforesaid.

7. *And be it enacted*, That the street commissioners shall be, and they are hereby authorized to maintain and set up lamps, and to use lights in the same, in such parts of said township as they shall deem for the benefit of the inhabitants thereof; and the said street commissioners are hereby authorized to make all necessary contracts and agreements with any gas company in the county of Hudson for erecting street lamps, and lighting the streets of said township, or any portion thereof, with gas, and the expenses for the erecting of such street lamps, and the lighting of said streets with gas, shall be paid for by the said street commissioners, by the issue of certificates of indebtedness, and the amount of money necessary therefor shall be included in any requisition made by the board of finance upon the assessor, and shall be included in the tax to be levied and collected next after the making of said contract or contracts; *provided*, that such contract or agreement shall be made with the lowest bidder, and shall not extend over a period of more than five years; and before such contract or agreement shall be binding on the township, it shall receive the approval of the township committee of said township; and it shall become the duty of, and the assessor of said township is hereby required to assess the same, and the collector of said township is hereby required to collect the same, and pay it forthwith to the treasurer of the township, to be by him used only for the purposes for which it was assessed and collected.

8. *And be it enacted*, That the commissioners shall have power to remove obstructions in all streets, public grounds

Resolution of  
commission-  
ers.

Empowered  
to make con-  
tracts and  
agreements  
with any gas  
company.

Proviso.

Obstructions  
to be removed

and public squares that are now in existence, or may be brought into existence, by dedication or otherwise.

Officers and compensation

9. *And be it enacted*, That the said commissioners may appoint such officers, and retain and employ and discharge at their pleasure, such surveyors, engineers, clerks, agents, and servants as they shall deem proper and necessary for the performance of the services imposed upon them by this act, and to fix the pay and compensation of such officers, surveyors, engineers, clerks, agents, and servants; that the township assessor, collector and treasurer, and the services imposed upon them by this act, shall have the same fees as said commissioners shall think expedient to allow; and by resolution fix and establish, such fees to be paid by persons as ask the performance of the service, or by the commissioners, in case the service is not done at the request of a private individual.

Seal and office

10. *And be it enacted*, That the said street commissioners shall have power to make and use a common seal, and to use the same at pleasure, or use the common seal of the township of Greenville, or a duplicate thereof, and they shall keep the same in the office in the township of Greenville, and may require and take bonds from any officer, agent, or employee; and from the street commissioners, and their successors in office, to be known by the name of "The Street Commissioners of the township of Greenville," and by that name they may sue and be sued, and may make contracts, issue certificates of indebtedness, or improve the township, and all certificates so issued shall set forth particularly the nature of the service rendered and work performed, and materials furnished, and by whom, the times when and where, and for what purpose service rendered, work performed and materials furnished by whom issued, all of which shall appear on the face of the certificate, and the said commissioners may enter freely upon the lands in said township and survey the same, and do all other things necessary to carry this act and all its provisions fully into effect; any contract made by the said commissioners pursuant to their powers, and any judgment rendered by the court, shall be obtained against them by their title, as aforesaid, and shall be of like effect as if lawfully made by or obtained against the inhabitants of the township of Greenville.

Name and powers.

May enter on lands.

Improvements may be made by sections.

11. *And be it enacted*, That the said street commissioners shall have power to contract for the improvement of a street or avenue in sections, and have said improvements made in sections, and after the work on any section is completed

finished, said street commissioners may appoint commissioners of assessment on said section, and the costs of such improvement on said section may be assessed upon the property benefited thereby, in proportion to the benefit received, notwithstanding the entire improvement may not be completed, and all assessments made for the improvement of any of said sections, shall be legal and binding for all intents and purposes, the same as if the entire work was completed.

Assessments  
binding.

12. *And be it enacted*, That streets and avenues in said township shall be opened in the following manner, and not otherwise; a petition in writing from a property owner on the line of the proposed improvement, shall be presented to said street commissioners, setting forth accurately the improvement desired, and the petitioner shall deposit with the treasurer of said township, a good and sufficient bond to the inhabitants of the township of Greenville, in such sum as shall be approved by the commissioners to cover the expense to be incurred in case such improvement shall not be ordered, a copy of which bond shall be filed in the township clerk's office; if said commissioners shall favor said petition, the same shall be referred to three impartial and disinterested commissioners of assessment to be appointed by said street commissioners, who shall thereupon make or cause to be made a map of such improvement, showing the real estate to be taken therefor, the damage (if any) done to adjacent property, and all the property which in the judgment of the said commissioners of assessment will be benefited thereby, designating each lot and parcel on said map by a number; said commissioners shall also ascertain, as far as practicable, the names of the owners of said real estate to be taken, and the names of any parties damaged by said improvement, and the property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estate are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same, considering in such appraisal the condition in which each owner's parcel of real estate will be left after taking so much thereof as will be required for the improvement, and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee simple; said commissioners of assessment shall also estimate all other expenses likely, in their judgment.

Opening of  
streets, how  
made.

Bonds to be  
given.

Commission-  
ers to be ap-  
pointed.

Interest and  
damage to be  
appraised.

Proviso.

ment, to attend the completion of the improvement *provided*, that where the line of such improvement *crosses* any building the said commissioners of assessment may determine, as to them shall seem most just, either to require so much thereof as stands upon the land required, or to require the owner or owners thereof to move it back from the line of improvement, in case the owner or owners thereof have land enough left for that purpose, and their compensation shall be made accordingly; said commissioners of assessment shall also estimate the amount likely to be received from the sale of any building or parts of buildings taken on account of said improvement, and shall estimate the probable net cost of making the improvement, and the probable net cost they shall then assess upon the land benefited in proportion to the benefit to be received therefrom; upon they shall, under their hands, make a report of the facts ascertained, and of the appraisements, estimations, divisions and assessments made by them concerning the improvement, and shall file such report and map with the clerk of said street commissioners, and a copy thereof with the township clerk, within thirty days after the reference to them, or within such further time as said board shall determine; thereupon the said clerk of the board of commissioners shall cause a notice of the filing of said map and report to be printed in one daily newspaper in Jersey City, in the county, for the space of two weeks, and also two copies in one weekly paper circulating in said township, which shall contain a general description of the improvement intended, and shall state the time and place, when and where the said street commissioners will meet to hear and consider any objections to said report, or to the improvement, which may be presented in writing; and said clerk shall at the same time cause a copy of such notice to be sent by mail through the post office to each and all the property owners along the line of such improvement, so far as can be ascertained; said clerk shall also within said two weeks cause notice to the same effect to be posted at points not more than one hundred feet apart, along the whole line of said improvement; the time appointed for such objections being not less than one week after the expiration of said two weeks; and all objections at such time and place, presented in writing to the street commissioners shall consider and adjudicate upon the awards or assessment made in said report shall

rected by said street commissioners accordingly, a copy of which corrections, signed by the president of said street commissioners, shall be filed with the said clerk of said commissioners, within twenty days after the expiration of said two weeks; if said commissioners shall then determine to make said improvement, notwithstanding any objections to the same, the said street commissioners shall confirm said awards with the corrections, if any, and order the said improvement to be made and completed in such manner as said street commissioners may direct, under the supervision of said commissioners of assessments; *provided*, the said street commissioners shall not proceed to make any such improvement, if the owner of two-thirds of the lineal feet of the property to be assessed for the improvement as shown on said map, shall remonstrate against the same being made; said street commissioners shall thereupon pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken, and damages sustained in making said improvement, an attested copy of which resolution shall be filed with the treasurer of the township, and also with the township clerk; and upon the filing of such copies as aforesaid, and payment of said awards by the treasurer, the fee simple of said real estate to be taken, shall be vested in the inhabitants of the township of Greenville; *provided*, that where the commissioners shall have reported the names or estates of the owners of any plot as unknown, said resolution shall direct the amount of the award on account of such plot, to be paid to the owners thereof, when and as their interest may appear; and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement, the said commissioners of assessment shall report to said street commissioners the actual net cost thereof, and said commissioners of assessment, or some others to be appointed in their stead by said street commissioners, shall assess such actual net cost upon the land reported by said commissioners as benefited thereby, in the same proportions as the estimated net cost had been previously assessed in the map and report of said commissioners, as corrected by the board; the assessment so made shall constitute a lien upon each parcel of said lands, for the amount



assessed to the same ; that whenever, by the report of the said commissioners, corrected as aforesaid, it appear that an award has been made to any person, for taken or damages sustained, and that such person assessed for benefits received on account of the same ment, then, if the assessment equal or exceed the payment shall be made on account of such award, and if the award exceed the assessment, only so much of the excess is in excess shall be paid ; and the resolutions of the commissioners, ordering the awards to be paid, shall be accordingly, and when the amount to be assessed shall be determined, such amount shall be set off against the amount of the award unpaid ; and if the amount of the award be in excess, the assessment shall be cancelled, and the excess only shall be paid to the person to whom the award was made, and if the amount of the assessment be in excess of the award unpaid shall be cancelled, and such excess shall be a lien upon the property assessed, the reward or assessment, as the case may be, being also cancelled.

Improvements upon streets or avenues, how made.

13. *And be it enacted*, That all improvements upon streets or avenues in said township (other than the opening of new streets or avenues) shall be in the following manner : a petition in writing from one or more property owners along the line of the proposed improvement, shall be presented to said street commissioners, setting forth the improvement desired, and the petitioners shall deposit with the treasurer of the township a good and sufficient bond, to the inhabitants of the township of Good County, in such sum as shall be approved by said commissioners, to cover the expense to be incurred in case such improvement shall not be ordered, a copy of which said bond shall be filed in the township clerk's office ; if said commissioners favor said petition, the same shall be referred to three impartial and disinterested commissioners of assessment, to be appointed by said street commissioners, who shall examine the whole matter impartially, and to the best of their judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and shall estimate the whole cost of said improvement, according to the best of their judgment, and shall assess such estimate upon the lands and real estate benefited, in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the

Map to be made.

assessed to each, and shall file said report and map with the clerk of said street commissioners; and, within twenty days thereafter, the said clerk of the street commissioners shall give notice of the filing of any such report and map, by advertisement in one of the Jersey City daily newspapers, and in one weekly paper circulating in said township, for two weeks, and by five notices put up on the line of said improvement, and said clerk shall at the same time cause a copy of such notices to be sent by mail through the post office to each and all of the owners of property along the line of the proposed improvement, as near as the same can be ascertained; and unless before the day mentioned in said notice for the expiration of the time to file objections thereto, the owners of two-thirds of the lands in lineal feet to be assessed for such improvement, shall file with said clerk a remonstrance, signed by them, said street commissioners shall proceed forthwith to execute and carry out said improvement under the petition therefor; the lands in said township benefited by any of said improvements, shall, to pay the expenses of the improvement, be assessed the amount they are benefited, in proportion to the benefit received thereby; and if the amount of benefits assessed in any of said cases in this section mentioned are not equal to the compensation and expenses, or the expenses aforesaid, the excess shall be paid by the inhabitants of the township, and said assessment and all interest and expenses attending the collection thereof shall be a lien from the date of the approval thereof by said commissioners, or their successors in office, until paid upon the land so assessed; the said commissioners of assessment shall examine into the whole matter, and shall determine and report, in writing, to the street commissioners, or their successors, what real estate ought to be assessed, for such improvement and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, as far as practicable, which report and map shall be filed in the office of the clerk of said commissioners, whereupon the said clerk shall cause to be given, by posting the same in five public places in the township, and advertising the same for two weeks in a Hudson county daily newspaper, a notice of the filing of said report, and that the street commissioners will meet at a time and place, to be specified in said notice, to consider said assessment, and to receive and consider all objections thereto,

Notices of filing to be put up.

Remonstrance

Assessments, &c., to remain a lien.

Report to be made.

Objections, &c.

which may be presented in writing, and the commission shall confirm said assessment with any alterations or as they may deem just and proper, and thereupon shall constitute a lien upon the property assessed the amount of such assessment and the expenses of collection the same as aforesaid.

### Proceedings in case owner is dissatisfied with assess- ments.

14. *And be it enacted*, That the owner of any land who has filed with said commissioners a remonstrance against any such opening, is dissatisfied with the compensation awarded him, or if the owner of any lands assessed for such opening, or for the expenses of such improvement is dissatisfied with such assessment, may apply to the justices of the supreme court, at their next after the end of twenty days from the filing of the report, giving ten days' notice of such application to the commissioners; the said justices, or a majority of them, may term upon petition of such person dissatisfied, setting out the cause of his complaint, shall appoint three disinterested persons as commissioners, who shall be the same as the first commissioners, regarding the same improvement; such commissioners shall meet on ten days' notice given by any one of the persons, so applying to each of the others, or to his agent, if either reside in the township, and to the street commissioners, and shall proceed to examine the premises, and have power to send for and examine persons and papers, and to swear witnesses and compel their attendance, and the production of papers by process of subpoena to issue from the supreme court, and shall review the proceedings of the first commissioners of assessments, and of the street commissioners, so far only as the complaint of the applicants to the court is concerned and shall report in writing under their hands to the street commissioners their estimate of the value of the improvement, and their assessment of expenses on lands improved, which report shall be filed with the clerk of said court, and the said commissioners, and shall be conclusive on all parties, and the costs of their appointments and of their proceedings shall in case their report is more favorable to any applicant than his first award or assessment, be paid by the first commissioners, and shall be added to the expenses of such improvement, and in case such report is not more favorable to any applicant than the first award or assessment, the said applicant shall pay all such costs and expenses.



the proportion of such costs paid by the commissioners, shall be deducted from the sum to be paid to him, or it shall be assessed upon his property by the commissioners, and shall become a lien thereon, and collected therefrom in the same manner as the assessment for such improvement.

15. *And be it enacted*, That in all cases where an award is made for land taken, and the same shall be held by a tenant for life or years, with the remainder or reversion in fee, the commissioners of assessment shall in their report apportion such compensation between them, and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant, or his legal representatives, shall at the termination of their estates, be repaid such principal sum by their reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery have said lands sold to pay such lien and the proceedings thereon in the court of chancery, except the allegations in the bill shall be the same as if said reversioner had given a mortgage on said lands and said bill was filed for the foreclosure thereof, and such lien shall have priority over all other incumbrances.

16. *And be it enacted*, That wherever an award, or any part thereof, is due for land taken or damages awarded, the treasurer of the township of Greenville, shall tender and pay the same to the parties legally entitled to receive the same, either in cash or certificates of indebtedness, payable in one year with interest; but if such party is not resident in the township, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor when tendered, then the treasurer shall make affidavits of such facts, and file the same with the clerk of the street commissioners, and a copy thereof, with the township clerk, and the commissioners shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed in some savings bank or trust company for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the making such deposit in bank, the fee of the said lands shall be vested in the inhabitants of the township of Greenville; and the street commissioners may proceed with such improvements, and the said money so deposited

Commissioners to apportion award between tenant, &c.

Treasurer to tender award.

When person is incapacitated to receive same.

shall be paid by the street commissioners to the entitled thereto, on demand without interest.

Assessment  
may  
be  
yearly  
or  
other

17. *And be it enacted*, That the assessments upon estate for street improvements, other than for streets, which shall be due and payable immediately, paid in five equal yearly payments, each payment to be to one-fifth of the assessment, with interest on the assessment, at the rate of nine per centum per annum from the date the said assessment becomes a lien upon the estate; but if any yearly payment with the interest remains unpaid for thirty days, then the whole amount of the assessment unpaid, with interest thereon at the rate of nine per centum per annum, shall at the option of said street commissioners, become immediately due and payable in full; and nothing, however, in this act contained, shall be so construed as to prevent any person from at any time paying the amount of said assessment and accrued interest then due.

Assessments  
to remain a  
lien

18. *And be it enacted*, That all assessments which hereafter be made under this act upon any lands, tenements or real estate, situate in said townships, shall be and remain a lien thereon until paid, notwithstanding any devise, alienation, mortgage or other encumbrance thereof, and if the full amount of any such assessment, shall not be paid and satisfied within the time limited and appointed by the street commissioners for the payment thereof, it shall and may be lawful for the township committee of said township to cause the lands, tenements or real estate, to be sold at public auction for the shortest term for which any person shall agree to purchase the same and pay such assessment, or the balance remaining unpaid with the interest thereon and all charges and expenses and to execute under the hands of the township committee or a majority of them attested by the township clerk, a declaration of such sale, and to deliver the same to the purchaser, his executors, administrators or assigns, who shall by virtue thereof, lawfully hold and possess the said lands, tenements or real estate, for his or their proper use against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said township committee shall have first caused such sale to be advertised for at least sixty days in at least one public newspaper generally circulated in the said township, and also by advertisement posted up in at least five public places in the said township.

Lands to be  
sold at public  
auction for  
non-payment.

Proviso

advertisements shall describe the said lands, tenements, or real estate, by reference to the assessment map, and specify the amount of the assessment, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale ; and the said township committee shall also cause notice to be sent by mail through the post office, addressed to parties owning such property, as near as the same can be ascertained, at least fifty days before the day of such sale ; *and provided, also*, that the lands, tenements, or real estate so sold, Proviso. may be redeemed by the owner, mortgagee, occupant, or person interested therein, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements or real estate, at any time within two years after the sale, by paying to the township collector, for the use of said purchasers, the said purchase money, together with any sum paid for assessment, which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto, and the certificate of the township collector, stating the payment, and showing what lands, tenements, or real estate, such payment is intended to redeem, shall be evidence of such redemption ; the mortgagee shall have power to redeem at any time, until after the expiration of the six months' notice herein specified ; no mortgagee, whose mortgage shall have been duly recorded before sale, shall be affected by such sale, unless six months' notice, in writing, shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the township, then such notice shall be deposited in the post office of said township, directed to him at his last place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed as to impair the lien created by such assessment or sale ; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the township clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence, in all courts, of the facts therein contained ; *and provided also*, that the said term of time from Proviso. which any land, tenement or real estate so sold as aforesaid

shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements, or real estate, until the two years limited for redemption of the same shall have expired; and the purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state and condition when he entered thereon, natural wear and accident excepted; *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned from time to time, or suspended, as the committee may direct; *and provided*, that if at any time lands, tenements or real estate, for assessment, the sale of any part thereof shall remain unsold for the want of purchasers, then it shall and may be lawful for the said committee to adjourn the said sale, not less than ten nor more than sixty days, twenty days' notice at least to be given as aforesaid of the said adjourned sale; and at said adjourned sale there shall be no purchasers for the said lands, tenements or real estate, or any part thereof, then it shall and may be lawful for the township collector to purchase said lands, tenements or real estate for the benefit of said township, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such assessments paid by a mortgage or other creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of six per centum per annum, and such lien shall have precedence over other liens on said lands, tenements or real estate; and in case of foreclosure of any mortgage by such mortgagee or other creditor, the proceeds of sale shall be directed to be made out of said lands, and out of the proceeds of sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *provided further*, that a complete record of all assessments shall be kept in the township clerk's office, and the record shall contain the time when such assessments were laid, the time when they were paid (and if the lands have been sold therefor), the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the township clerk to record in a book, to be called "Records of Sales," all declarations of sales, to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when

perty for which they were given shall be redeemed, on certificate of the township collector of such redemption, and to file such certificate in the clerk's office; it shall be the duty of the township collector to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the town clerk's office.

19. *And be it enacted*, That it shall be the duty of the township committee to give notice of the expiration of the time limited for the redemption of all lands sold for assessment by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property (by reference to said assessment map) unredeemed, and the amount due thereon.

Notice to be given of time for redemption.

20. *And be it enacted*, That after the spring election to be held on the second Tuesday of April, eighteen hundred and seventy two, in the said township of Greenville, and annually thereafter, the township committee of said township, and the board of street commissioners elected at said election, shall assemble in joint meeting immediately after the first Monday of May, and choose a treasurer, who shall be the treasurer of the township and of said street commissioners, and said joint meeting shall fix his compensation not exceeding one thousand dollars per annum, and fix the amount of bonds to be given by him to the inhabitants of the township of Greenville, for the faithful discharge of his duty; and said joint meeting may prescribe his duties, and may remove him for cause, at any time; a joint meeting of the township committee and the street commissioners may be held at any time for any business which they are authorized to transact, which joint meeting may be called by resolution of the township committee or of the street commissioners.

Election of treasurer.

Compensation

21. *And be it enacted*, That in no case shall any street commissioner or member of the township committee hold any other office in said township, or under this act, except to be a member of the board of finance hereinafter provided for.

Who not to hold office.

22. *And be it enacted*, That whenever an improvement is petitioned for by the owners of a majority in lineal feet, of property along the line of the proposed improvement, then the street commissioners shall have power to immediately pass a resolution granting the prayer of the petition, and forthwith proceed to execute and carry out said improvement, dispensing with the preliminary map and report, notices, ad-

Proceedings in case of petition for improvement.



vertisements, and all the other preliminary proceedings required by this act in other cases.

Owners may  
do work.

23. *And be it enacted*, That the street commissioners have power to allow property owners to do their work upon any street improvement, in such cases, and on such terms, and under such conditions, as they shall from time to time prescribe, either by general rules, or upon special regulations therefor.

Power of com-  
missioners to  
issue im-  
provement  
certificates.

24. *And be it enacted*, That the said street commissioners shall have power to issue "improvement certificates" for payment for work and material done or furnished on any street or avenue in said township, and to issue the same at such times, during the progress of the work and after it is finished, for such amounts, payable at such periods, as the street commissioners shall have power to issue "certificates of indebtedness" for all other indebtedness incurred by the street commissioners in the execution of this act. The said certificates of indebtedness, and all improvement certificates, shall state for what purpose they are issued, as hereinafter set forth, and be in such form, and fall due at such times, and bear such interest as the street commissioners shall determine, the interest not to exceed seven per cent. per annum. The same shall be signed by the president and secretary of the street commissioners, and they shall be paid, or the same shall be by the treasurer chosen as aforesaid in joint meeting.

Board of fi-  
nance.

May issue  
bonds.

25. *And be it enacted*, That there shall be a board of finance of the township of Greenville, which shall consist of the chairman of the township committee, the president of the street commissioners, and the treasurer chosen as aforesaid. This board shall have power, and it shall be their duty, to issue and sell bonds of the inhabitants of the township of Greenville in all cases, upon the requisition of the township committee or the street commissioners of Greenville, or when required by this act; said bonds may be coupon bonds, payable to bearer, or registered in the name of the party to whom issued, or they may be registered bonds without coupons. Bonds of either of said classes may, from time to time, be converted into bonds of either of the other classes, at the option of the holder or holders of said bonds, each bond to be for a principal sum of not less than five hundred dollars, and to be called "Bonds of the Township of Greenville." The same shall be payable at such times said board of finance shall determine.

termine, not however to be longer than twenty years from the date thereof; they shall bear interest at the rate of seven per centum per annum, interest payable semi-annually, and the last interest on the day when the principal is payable, whether at the end of a half year or not; they shall be signed by the members of the board of finance, and sealed with the seal of the township; the board of finance, or treasurer, may sell said bonds at public or private sale, at par, or if not at par, at a discount not exceeding five per centum, and all moneys received from this source shall be paid to the treasurer; the treasurer shall pay, on demand, all bonds falling due, all interest on bonds falling due, all improvement certificates, and certificates of indebtedness, as they fall due, out of any public moneys in his hands, whether arising from the sale of said bonds or otherwise, not otherwise appropriated.

Interest.

Bonds, how sold.

26. *And be it enacted*, That it shall be lawful for the board of finance, and said board is hereby required, to deliver to the assessor of said township, on or before the twentieth day of August in each year, a statement of the principal and interest due and to become due on any bonds, improvement certificates, and certificates of indebtedness, issued or to be issued, issued by the present street commissioners, or those elected under this act, or their successors in office; and in addition thereto it shall be lawful for said board of finance to issue their requisition upon the said assessor requiring him to assess said amount, or so much thereof as is otherwise unprovided for, upon the taxable property of said township, which amount shall be assessed, levied and collected, in the same manner as are the other taxes in said township, a copy of which said requisition shall be filed in the office of the township clerk, and upon the receipt of such statement and requisition by the assessor, it shall become his duty, and the said assessor is hereby required to assess said amount in the same manner as other taxes in said township are assessed; and when any assessment shall have been made by the assessor upon a requisition of the said board of finance, it shall be the duty of the collector of said township to collect the same, and forthwith to pay the same to the treasurer aforesaid, to be by him used only for the purposes for which the same was assessed and collected.

Assessment and collection of principal and interest of bonds.

27. *And be it enacted*, That all assessments for improvements shall be collected by and paid to the treasurer aforesaid, as the same fall due, and improvement certificates and

Treasurer to collect assessments for improvements.

certificates of indebtedness shall be receivable in payment of assessments the same as money.

Damage to  
property own-  
ers to be as-  
sessed by com-  
missioners.

28. *And be it enacted*, That in all cases where it is necessary to pay any property owner injured by any act of the street commissioners, lawfully done under this act, the amount of such compensation (unless where otherwise provided) shall be ascertained by three commissioners of assessment appointed by the street commissioners, who shall report the same to the street commissioners, who may confirm the report or make such changes therein as they deem just; and a report shall be filed with the clerk of said commission and a copy thereof with the township clerk; and the compensation as finally fixed by the commissioners shall be paid to the parties entitled thereto, by the treasurer aforesaid.

Vacancy, how  
filled.

vacancies in the commissioners of assessment may be filled by the street commissioners, who shall have power to appoint any commissioner of assessment at any time, by resolution, and there may be as many sets of commissioners as the township awards to be made, or assessments to be levied; or any one of commissioners of assessment may act in as many cases as the street commissioners may determine; *provided*, that no person shall be appointed or act as commissioner of assessment who is interested in any property on the line of improvement where such assessment is being made or made.

Proviso.

Assessment  
and award not  
invalidated by  
mistake.

29. *And be it enacted*, That notwithstanding any error occurring in the name or names of the owner or owners of any lands or real estate in said township in making any award or in assessing any lands or real estate under this act, any award and assessment shall be valid and effectual in law, although no such mistake had been made, but in all cases and advertisements said mistake shall be corrected as soon as discovered.

May make  
rules, &c.

30. *And be it enacted*, That the street commissioners may establish such rules and regulations for the authentication of all their acts and contracts and for all other purposes as may be necessary or expedient for the efficient execution of this act, as they shall seem convenient; they shall keep a record of all their meetings and proceedings; all meetings shall be duly advertised by posting notices thereof in five or more most public places in the township of Greenville, and publishing the same in a daily newspaper published in Jersey.

Notice of  
meetings to  
be advertised.



in the county of Hudson, and in a newspaper circulating in said township, published in said county.

31. *And be it enacted*, That the street commissioners shall have power to build bridges, or the abutment or any portion thereof, or enter into contract, agreeing to pay the whole or any portion of the expenses of such erection, and issue certificates of indebtedness in payment therefor. May build bridges.

32. *And be it enacted*, That it shall be lawful for said street commissioners to widen the Jersey City and Bergen Point plank road through the lands belonging to or occupied by the New York Bay Cemetery Company, to a uniform width with other portions of said road, as the same may be laid down on their said map, or as may be determined by them; *provided*, that the graves now in existence on said lands are not disturbed or interfered with thereby. May widen plank road. Proviso.

33. *And be it enacted*, That every person elected or appointed under this act, shall within fifteen days after such election or appointment, take and subscribe before a justice of the peace of the county of Hudson, or any other officer legally qualified to administer oaths, an oath or affirmation faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the office of the township clerk of said township; and if any person so elected or appointed shall fail to qualify, then his office shall be deemed vacant and may be filled as hereinbefore provided in cases of death or resignation. Every person elected or appointed shall take oath.

34. *And be it enacted*, That all bonds, improvement certificates and certificates of indebtedness issued by the street commissioners elected under this act, or by their successors in office, shall be issued in the name of the inhabitants of the township of Greenville, and the real and personal estate in said township shall be liable for the payment thereof. Issue of bonds.

35. *And be it enacted*, That the street commissioners may place monuments within or along the line of any street or avenue, as finally located, to designate the location thereof.

36. *And be it enacted*, That the board of finance are constituted and appointed a board of commissioners, to be known by the name of "The Commissioners of the Greenville Township Sinking Fund," whose duty it shall be to invest, from time to time, all the moneys directed by this act to be paid to the treasurer aforesaid, not used or disbursed by him under this act, and all interest and profits accruing thereon, and Monuments. Commissioners of sinking fund.

- they may reinvest and change any investment as the best, and the same shall remain a sinking fund, and appropriated to no other purpose than the payment of principal and interest of the bonds issued under this act. The commissioners of the sinking fund shall annually report the township committee a detailed and particular statement of all investments, reinvestments and changes thereof within said year; said commissioners of the sinking fund shall only invest in United States bonds, bonds of the State of New Jersey, bonds, improvement certificates and bonds of indebtedness of the county of Hudson, or of any town or township therein, or that may be issued by any such town or township.
- Annual report** the township committee a detailed and particular statement of all investments, reinvestments and changes thereof within said year; said commissioners of the sinking fund shall only invest in United States bonds, bonds of the State of New Jersey, bonds, improvement certificates and bonds of indebtedness of the county of Hudson, or of any town or township therein, or that may be issued by any such town or township.
- Taxes for repair of streets, &c., how to be assessed.** 37. *And be it enacted*, That the township committee have power to keep all streets and sewers in said town in repair, and raise money by general tax, as other taxes are assessed and collected, to meet the expense thereof, which amount they shall fix by resolution prior to August twentieth in each year, and they shall deliver their requisition to the assessor, directing him to collect said amount as other township taxes are assessed. The assessor and collector shall collect the same, in the same way and at the same time as other township taxes are collected by him; *provided*, that no more than eight thousand dollars shall be thus levied in any one year; and *provided also*, that all bonds exceeding twenty-five dollars shall be given out by contract to the lowest bidder, who will give security for the faithful performance of the work.
- Proviso.** as other township taxes are collected by him; *provided*, that no more than eight thousand dollars shall be thus levied in any one year; and *provided also*, that all bonds exceeding twenty-five dollars shall be given out by contract to the lowest bidder, who will give security for the faithful performance of the work.
- Proviso.** ated in any one year; and *provided also*, that all bonds exceeding twenty-five dollars shall be given out by contract to the lowest bidder, who will give security for the faithful performance of the work.
- Quorum.** 38. *And be it enacted*, That all acts required hereunder to be done by the street commissioners, the board of finance, the commissioners of the sinking fund, the committee on the sinking fund, the assessment, or the township committee shall be legally done by said several commissioners, board of finance, committee, if done by a majority of either of said several commissioners or committee; a majority of each shall constitute a quorum to transact business.
- Statement of issue of bonds, &c., to be made and published.** 39. *And be it enacted*, That the street commissioners and the board of finance shall, before the twentieth day of October in each year, furnish the treasurer aforesaid a detailed statement of all bonds, improvement certificates and bonds of indebtedness, issued by them or either of them, and the amount due thereon, and when payable, who shall make said statement in a daily newspaper published in Jersey City in the county of Hudson, and in a weekly paper ci-

in said township, and which report shall also be filed with the township clerk.

40. *And be it enacted*, That the present board of street commissioners of Greenville, shall not make or give out any new contracts for street improvements or any other purpose, except so far as it may be necessary for them to do so, in fulfillment of existing contracts, or to pay their present indebtedness, or such as may accrue prior to the expiration of their term of office; they may issue certificates of indebtedness and improvement certificates, for any of the above purposes; they may also borrow sufficient money to pay all improvement certificates, and all certificates of indebtedness issued by them as aforesaid, and to secure the payment of the sum thus borrowed, they may issue either registered or coupon bonds, in the form now used by said commissioners, bearing interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be payable at such times as said present street commissioners may designate on the face thereof; and said bonds may be sold at public or private sale, at such time as the commissioners may direct, at a rate not less than ninety-five per centum of their par value; the said board of finance, hereinbefore provided for, may by resolution, at any time provide for the exchange of all other bonds heretofore issued by the street commissioners for new bonds, for like amount to be issued by said board of finance, who shall issue said new bonds within thirty days after demand therefor.

41. *And be it enacted*, That so much of an act entitled "An Act to create from the town of Bergen, in the county of Hudson, a new township, to be called the township of Greenville," as has reference to the election of overseers of the highways, be and is hereby repealed.

42. *And be it enacted*, That all bonds, maps, papers, surveys and other property belonging to said township in the hands of or under the control of the present commissioners, shall be delivered to the street commissioners to be elected under this act within ten days after their organization, and thereafter the retiring street commissioners shall deliver said property to their successors in office within a like period; and the present street commissioners shall furnish a full and complete sworn statement in detail, under oath, of all bonds, certificates of indebtedness, improvement certificates, and all other indebtedness and matters and things, to the commis-

sioners to be elected under this act, and each ret of commissioners shall furnish a like statement, as aforesaid, to their successors in office.

Contract to be awarded to lowest bidder.

43. *And be it enacted*, That all contracts for or furnishing materials for the improvements provided by this act, shall at all times be given to the lowest bidder who will comply with all the requirements of the contract, and will give ample security for doing said work and for furnishing said materials according to contract; but the commissioners shall be under no obligation to accept the lowest bid, and may reject all bids if they think proper; and the commissioners shall cause to be printed specific forms for contracts in the usual form, and shall furnish the same to parties making inquiry and application therefor for the purpose of preparing bids.

No proceeding to be set aside on certiorari.

44. *And be it enacted*, That all acts relating to improvements shall be by or under a resolution of the commissioners, at a general or special meeting of the commissioners, and no resolution or proceeding of the Street Commissioners of Greenville shall be set aside on certiorari by reason of the return to said certiorari showing that all the requirements of this act have been complied with; but after the filing by the prosecutor of reasons in certiorari, the said commissioners may make a return to said writ of certiorari, stating such additional facts as they may be advised are proper and necessary in answer to any of said reasons, and said commissioners may take proofs with reference to said facts, and if it is established to the satisfaction of the court, that the proceeding in question, the same as if such had appeared in the minutes, records and proceedings of the commissioners; whenever any assessment is set aside on certiorari, the commissioners may appoint new assessors to make an assessment.

Certiorari when to be granted.

45. *And be it enacted*, That no certiorari shall be granted to set aside any ordinance, resolution or proceeding, for any improvement in said township after the same shall have been awarded by the said commissioners, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township, after three months shall have elapsed from the date of the confirmation of said assessment by the said commissioners.



46. *And be it enacted*, That in case any assessment for <sup>Money to be</sup> any improvement is set aside on certiorari, after a portion of <sup>refunded.</sup> the said assessment has been collected, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new <sup>New assess-</sup> assessment for said improvement shall be made without any <sup>ment.</sup> preference to the fact that any sums of money have been heretofore paid under the said assessment to set aside on certiorari; the sums herein provided to be refunded, shall be paid out of the first sums of money collected under the new assessment for said improvement.

47. *And be it enacted*, That nothing in this act shall be <sup>Act not con-</sup> construed to invalidate or affect any bonds, contracts, agree- <sup>strued to in-</sup> <sup>validate con-</sup> <sup>tracts, bonds,</sup> <sup>&c.</sup> ments, or liabilities of the present street commissioners of Greenville, legally issued, made, incurred, or entered into, or of the township committee of Greenville, under any former legal acts or resolutions of the township committee; all the debts, claims and assessments, now due to the street commissioners of Greenville, or due under any act relating to said commissioners, shall and may be collected by the street commissioners, to be elected under this act, and their successors in office, who shall succeed to all the rights of the present street commissioners.

48. *And be it enacted*, That the bonds to be given, as <sup>Bonds condi-</sup> hereinbefore provided, by a party applying for the opening <sup>tioned for pay-</sup> of a street or avenue, or the improvement of a street or <sup>ment of costs</sup> <sup>and expenses.</sup> avenue, as hereinbefore provided, shall be conditioned for the payment of all costs and expenses that may be incurred in consequence of all preliminary proceedings taken thereunder; in case the said improvement shall not be made as hereinbefore provided, and if the party giving such bonds shall neglect and fail to pay over to said treasurer the amount of such costs and expenses, within ten days after receiving notice to pay the same, then it shall be the duty of the township clerk to cause suit to be instituted, in the name of the inhabitants of said township, against such party for the recovery of such cost and expense so incurred as aforesaid.

49. *And be it enacted*, That the incidental expenses of <sup>Amount of in-</sup> the street commission shall not exceed the sum of seven thou- <sup>cidental ex-</sup> <sup>penses.</sup> sand five hundred dollars any one year, exclusive of their salaries.

50. *And be it enacted*, That any surveyors that may be

Surveyors to  
give bonds.

Make affidavit  
to statement.

Bids and con-  
tracts opened  
at public  
meetings.

Salary of  
chairman.

Award and  
contracts to  
be set aside.

employed by said commissioners shall, before they enter upon the performance of their duties, give a good and sufficient bond to the inhabitants of the township of Greenville, that they will well and truly and faithfully perform their duties as surveyors, and which bond shall be approved by the township commissioners, and a copy thereof filed with the clerk of the township; and such surveyor or surveyors, at the time of furnishing any certificate or certificates of work done, shall attach thereto his affidavit, under oath, as to the truth and correctness of the statements contained in any such certificate or certificates, and the same shall be filed with the township commissioners, and a copy thereof shall be filed with the township clerk.

51. *And be it enacted*, That whenever any bids are received for the performance of any work or the furnishing of materials, pursuant to this act, such bids shall be opened at a public meeting, to be held by said commissioners, at their regular meeting place, and all contracts, for any work or materials, that shall be given out or awarded by said commissioners, shall be given and awarded at their regular meeting place, at a public meeting; and this provision shall in all manner apply to the township committee of said township, in the receiving of bids and the awarding of contracts for work or materials that may be required by them from the township committee.

52. *And be it enacted*, That the chairman of the township committee shall receive a total salary of five hundred dollars per year for his services as a member of the said board of finance, and as a member of the township committee, in the manner provided for in the same manner as the salaries of the members of the said board of finance.

53. *And be it enacted*, That in all cases where awards have been heretofore made and confirmed for land taken or opened, or for the infliction of any street or avenue in said township, and said awards have not been paid, that then the township commissioners to be elected under this act, or their successors in office, shall have power to vacate and set aside said awards, and proceed in the mode pointed out in section twelve of this act, dispensing, however, with the petition for opening of any such street or avenue, or desire to proceed with the opening of any such street or avenue, or desire to vacate the location or width thereof, proceed to vacate and set

said awards, and the damages that may be sustained by property owners by vacating and setting aside said awards (if any damages are sustained thereby), shall be ascertained in the way and manner pointed out in section twenty-nine of this act. Damages, how ascertained.

54. *And be it enacted*, That "A Supplement to 'An Act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville,' " approved March eighteenth, eighteen hundred and sixty-three, approved April second, eighteen hundred and sixty-six; "A Further Supplement to an act entitled 'An Act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville,' " approved March eighteenth, eighteen hundred and sixty-three, approved March twenty-seventh, eighteen hundred and sixty-eight; "A Further Supplement to an act, approved March eighteenth, eighteen hundred and sixty-three, entitled 'An Act to create from the town of Bergen, in the county of Hudson, an new township to be called the township of Greenville,' " approved March ninth, eighteen hundred and sixty-nine; "A Further Supplement to an act entitled 'An Act to create the township of Greenville,' " approved March eighteenth, eighteen hundred and sixty-three, approved April second, eighteen hundred and sixty-nine; "An Act relating to the street commissioners of Greenville, Hudson county, New Jersey," approved March second, eighteen hundred and seventy, be and they each of them are hereby repealed, except so far as relates to existing contracts and awards and assessments, and in reference to these matters said acts shall remain in full force, effect and virtue, except where different provision has been made therefor by this act, and all other acts and parts of acts inconsistent with this act, shall be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Approved March 13, 1872.

## CHAPTER CCXX.

An Act to incorporate the West Jersey Manufacturing Company of Wenonah.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That George Wood, John George S. Harris, Samuel Hopkins, William J. Samuel A. Whitney, Horatio J. Mulford, West Thomas Jones Yorke, Allen S. Morgan, Isaac C. S. Edward A. Warne, John M. Moore, Benjamin F. William F. Allen, and their associates and successors all persons who shall become subscribers to the capital hereby created, shall be and are hereby created politic and corporate by the name of "The West Jersey Manufacturing Company of Wenonah."
2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the same to three hundred thousand dollars, and which shall be represented by the lands, tenements and real and personal property which the said company by this act is empowered to purchase, chase, hold and acquire; and the persons above named, or a majority of them, are hereby constituted commissioners to receive subscriptions to the said stock, at such time and at such place or places, as they or a majority of them may direct, by giving public notice thereof, at least four weeks previously, in one newspaper published in each of the counties of Gloucester and Camden; and as soon as one hundred thousand dollars shall be subscribed, the said commissioners, or a majority of them may, by public notice as aforesaid, call a meeting of the stockholders of said company for the election of seven directors, each of whom shall be a stockholder, or the said commissioners, or any three of them, to be and judges of said first election; directors, who shall serve for one year, or until others are elected in their stead, and shall elect one of their number to be president, and shall appoint other officers and agents as they may deem expedient, and allow them suitable compensation,



such agents or officers such powers as they may deem expedient; and shall, annually, by public notice as aforesaid, call meetings of the stockholders for the election of directors of the said company; and the directors shall have power to call in said stock, at such times, in such manner, in such installments, and upon such notice as they may deem proper, and in case of failure by any stockholder to pay his or her installments, at the time and place of payment thereof, or within thirty days thereafter, such stockholder, at the option of the directors, shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company.

3. *And be it enacted*, That the capital stock shall be considered personal property, and be transferable only on the books of the company in such manner as the directors, by their by-laws, or otherwise, may direct; each share to entitle the holder thereof to one vote, either in person or by proxy. Stock, how transferable.

4. *And be it enacted*, That George Wood, John F. Starr, Samuel A. Whitney, Horatio J. Mulford, George S. Harris, William J. Sewell and William F. Allen, shall be the first directors of this company, who, or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others shall be elected, as provided in the second section of this act. First directors

5. *And be it enacted*, That the said company may for the purpose of manufacturing iron, cotton, wool, paper, wood, and any other article the manufacture of which shall not be prohibited by the laws of this state, buy, rent and hold any lands, tenements and water powers in the county of Gloucester, whereof they may become seized or possessed, and hold and convey any real and personal estate, and erect such factories, mills or other buildings as may be necessary and useful for the purposes aforesaid; and may sell, mortgage, rent, lease or otherwise dispose of the same as they may deem proper; and make such regulations respecting the government of said works as they may deem advisable; and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act. May hold real and personal estate.

6. *And be it enacted*, That the Mantua Land and Improvement Company and the West Jersey Railroad Company be and are hereby authorized to subscribe for and take Stock may be subscribed.

any amount they may choose of the capital stock to be paid by said company, and be entitled to all the powers and privileges of stockholders of said company.

Dividends.

7. *And be it enacted*, That the directors may pay dividends from the profits only of the business of said company, at such times and in such manner as they may deem expedient.

May be altered and repealed.

8. *And be it enacted*, That this act shall be deemed a public act and shall go into effect immediately, and shall not be altered, amended or repealed, as the legislature may see fit.

Approved March 13, 1872.

## CHAPTER CCXXI.

### An Act to incorporate the Long Branch Banking Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Marston, E. Lippencott, Aaron S. Bright, John A. Morford, George G. Chattle, Bloomfield Drummond, William H. Benson, G. Woolley, Abner Allen, Francis Corlies, Samuel C. and William Hathaway, and their associates shall, by their joint and several acts, be and they are hereby created a body politic and corporate, by the name of "The Long Branch Banking Company," and located at Long Branch, in the county of Monmouth, state of New Jersey, and by that name shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that said corporation shall not transact business in anything except money, bills of exchange, promissory notes, gold or silver bullion, and the national legal tender of the United States, and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business.

Name and powers.

Proviso.

shall be mortgaged or pledged to it as security for loans or contracts, or shall be purchased upon judgment of the court.

execution for the purpose of securing or obtaining payment of any debt or debts due said corporation.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with liberty to increase it to two hundred thousand dollars, and shall be divided into shares of fifty dollars each; that William R. Maps, James E. Lippencott, Aaron S. Bright, John A. Morford, Thomas G. Chattle, Bloomfield Drummond, William H. Bennet, Eden Woolley, Abner Allen, Francis Corlies, Samuel C. Morris and William Hathaway, or a majority of them, shall be and they are hereby appointed commissioners to open at Long Branch aforesaid, books of subscription for and to receive subscriptions to said capital stock, giving at least two weeks' notice in two newspapers printed and published in the county of Monmouth, of the time and place of receiving said subscriptions; that the said books after having been opened shall be kept open for five successive days, unless the amount of said capital stock shall be sooner subscribed for; that at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before fifty per centum shall have actually been paid in cash.

Amount of capital stock.

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that said directors shall be stockholders, and a majority of whom shall be residents of this state, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation faithfully to execute the trusts reposed in them as directors, that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday of December in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least ten days' notice shall be given by the directors, by advertisements in one or more newspapers published in the county of Monmouth; that said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or

Managed by directors.

Election of directors.

by proxy, each stockholder being entitled to one vote for each share of stock standing in his or her name on the books of the corporation, for thirty days at least next preceding the election; that, for the well order of said election, the judges of election shall, previously thereto, appoint three persons, not being directors, to be judges thereof, who shall conduct said elections and determine the legality of the election, the eligibility of persons voted for, and who shall be the judges in all cases of an equality of votes between two persons voted for, thereby preventing an election of a new board, the said judges, or a majority of them, shall, in case of a tie, select from those not elected, having the highest number of votes, as may be required to make up the full number of nine directors; and the directors so elected shall, at a meeting thereafter, when a quorum shall be present, select one of their number to be president, as well of the board of the said corporation; and whenever a vacancy shall occur in the board of directors, by death, resignation, or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time required, the said corporation shall not, for that reason, be deemed to be dissolved, but an election of directors in such case be held as soon as conveniently may be, and upon like notice as above directed, and at the place and in the mode specified.

Vacancy, how filled.

Failure to elect directors not to dissolve

Meeting of subscribers.

4. *And be it enacted*, That as soon as convenient after fifty per centum of said capital stock is subscribed and actually paid in cash, the said commissioners or a majority of them, shall call a meeting of the subscribers at the capital stock at Long Branch, to elect the first board of directors, by giving at least ten days' notice of the time and place of said meeting, by advertisements in at least two newspapers published in the county of Monmouth; and at said meeting, said commissioners or a majority of them shall appoint three judges of the said first election, and shall have the same power as the judges of the annual election of directors. They shall conduct their first election as near as may be in the manner hereinbefore prescribed for said annual election, and such of the subscribers as may attend said meeting in person or by proxy, being entitled to one vote for each share respectively subscribed by them; and the first board of directors shall, as soon as conveniently may be after

tion, organize by electing a president in the manner herein-before prescribed for the election of a president, and shall also elect a cashier; and after the said board shall be thus organized, it shall be the duty of said commissioners to pay over to the said board of directors all the money received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys, shall be full and absolute acquittance, and discharge therefor; and said board of directors shall hold their offices until the second Tuesday of December, in the year one thousand eight hundred and seventy-two, and until their successors are chosen and qualified.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as other banking institutions of this state are liable to; and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to said capital stock, by such installments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to said corporation all previous payments thereon, which forfeiture may be made and declared by a resolution of said board of directors; *provided*, that at least twenty days' previous notice of the time and place of the payment of said installments shall be given by advertisements in one or more newspapers published in Monmouth county; and that no installment of more than twenty dollars on each share, shall be called in at one time, nor shall said installments be required to be paid in less than twenty days of each other.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, by said board of directors, liable, however, to be removed and another appointed in his place at the pleasure of said board of directors; and on such appointment or reappointment the said cashier shall, before entering on the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

All bills and notes issued bearing on corporation.

7. *And be it enacted*, That said corporation shall bills or notes of a less denomination than one dollar, by the president, and countersigned by the cashier, for the payment of money to any person or persons, in their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable in like manner, as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, and his, her and their assigns, and all bills, notes, bills obligatory, or bills made or issued by said corporation, shall be deemed to be demandable and payable at the bank of said corporation.

Semi annual dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock of said corporation.

Rates of discount.

9. *And be it enacted*, That the rate of discount on loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being, and that nothing herein contained shall be construed to prohibit said corporation from dealing in bills of exchange and the purchase and sale of the bonds, notes and securities of the government of the United States, and the bonds and securities of the state of New Jersey, or of any town or county thereof.

No transfer of stock to be made by stockholders indebted to corporation.

10. *And be it enacted*, That no transfer of stock of said corporation shall be made by any stockholder from whom debts are due to the said bank, or who is a drawer or endorser of any bill of exchange or note discounted and held by said bank when said bill of exchange or note is due, without the consent of said board of directors, but such stock shall remain liable for the payment of such notes or bills of exchange.

Refusal to receive or debar banking operations.

11. *And be it enacted*, That if at any time said corporation shall refuse or neglect on demand being made at the banking house during the regular hours of business to receive in lawful money any of the bills or notes issued by said corporation which may then be due and payable, the said corporation



shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An Act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, eighteen hundred and sixty-two, and the supplement thereto, approved March sixth, eighteen hundred and sixty-two, be and continue in force, in relation to the bank incorporated and chartered by this act. Proviso.

12. *And be it enacted*, That if the said corporation hereafter become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills and notes then in circulation, and shall be first applied for the payment thereof; and in case of a distribution of the assets among the creditors of said corporation under the order or decree of the court of chancery, the holders of such bills and notes shall be equal in priority, and shall have a preference over all other creditors except bona fide judgment or mortgage creditors. Assets first liable for payment of bills in case of failure.

13. *And be it enacted*, That in case of the insolvency of said corporation, the directors thereof shall be jointly and severally liable for all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of such bills or notes, as if the same were their joint or several bills or notes, and executed by them in their individual capacity, and it shall not be lawful for any director of said corporation to resign his office to avoid such liability; and in case any director shall thus attempt, he shall be and continue liable the same as if such resignation had not been attempted, and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors, and it shall not be lawful for any director to assign or transfer his stock to avoid his said liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no suit shall be prosecuted against the said directors by such receiver or receivers, except for the deficiency as may remain after the assets of such corporation have been duly appro- Directors liable for circulation. Shall not resign office to avoid liability.

- appropriated to the payment of said bills or notes, except of fraud committed by said directors.
- Distribution of assets.** 14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove to redeem the whole of said bills or notes, then that shall or may be realized from said assets and shall be distributed ratably among the holders of said bills or notes, and the stockholders of said corporation, in case of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receiver appointed as aforesaid, to an amount sufficient to redeem said bills after the assets of said corporation and the property of said directors shall have been exhausted as aforesaid; *provided*, that no stockholder other than said directors shall be made liable to an amount exceeding the par value of the stock held by him or her at the time the corporation becomes insolvent, and if that amount shall be required for the full redemption of said bills or notes, then said stockholders shall be liable in ratio of the stock held by them, and it shall not be lawful for any stockholder to assign or otherwise transfer his stock or interest therein to avoid such liability.
- Proviso.**
- Actions at law.** 15. *And be it enacted*, That in case of any action at law against any director or directors of said corporation by any receiver or receivers thereof, the said receivers may declare generally for money had and due, *provided*, that a schedule shall be annexed to said action, setting forth that the said action or suit is brought by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and stockholders subscribed to the bills or notes declared on and the denominations thereof.
- Proviso.**
- Amount of bills issued.** 16. *And be it enacted*, That the bills or notes of said corporation shall not at any time exceed the amount of its capital stock paid in; and if the president or cashier shall knowingly or wilfully issue or cause to be issued, bills or notes of said corporation, exceeding the amount of its capital stock actually paid in, the president or cashier shall be deemed guilty of a misdemeanor on conviction thereof shall be punished by imprisonment less than one year nor more than five years, in the discretion of the court.
17. *And be it enacted*, That it shall be the duty



corporation on the first Monday in the months of December, <sup>Statements to be published.</sup> March, June and September in each and every year after commencing the business of banking, to publish in one or more of the newspapers published in Monmouth county, a statement under oath or affirmation of the actual condition of said corporation, conforming as nearly as may be with the annual statement now required by law, and shall within ten days after making such statement forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and wilfully and falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties therefor.

18. *And be it enacted*, That a majority in interests of the <sup>Residents.</sup> stockholders shall be residents of this state.

19. *And be it enacted*, That this act shall be deemed and <sup>Limitation.</sup> taken to be a public act, and shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal the same, whenever, in their opinion, the public good shall require it.

Approved March 14, 1872.

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## CHAPTER CCXXII.

### An Act to incorporate the Phillipsburg Building and Loan Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward H. Bird, William W. <sup>Corporators.</sup> Dale, Jacob Seigle, William Feit, Samuel Thomas, and such other persons as may be associated with them, shall be, and they are hereby constituted and declared a body corporate and politic, in law and fact, by the name of "The Phillipsburg Building and Loan Savings Bank," to be located in the <sup>Name and powers.</sup> county of Warren, in said state, and by that name, style and title shall have continued succession, and shall be capable of

purchasing, leasing, mortgaging and conveying tenements, goods and chattels, and to let money and to secure the payment thereof as hereinafter and to do all things necessary to carry out the objects of the corporation hereby created.

Capital stock.

2. *And be it enacted*, That the capital stock of the association shall be three hundred thousand dollars, with the privilege of increasing the same, from time to time, the sum not exceeding five hundred thousand dollars, divided into shares of fifty dollars each, each stockholder being one share in person or by proxy, to as many votes as he or she owns shares of said stock, which shall be deemed personal and transferable on the books of the association. Dividends of two dollars on each share of stock shall be paid into the treasury of the association each and every month, until the full amount of the stock subscribed shall be fully paid up, at such time and place as the directors shall appoint, and that notice of said meeting shall be published in one newspaper published in the county of Warren, at least one week previous to the time of said meeting; *provided*, that any stockholder who does not fully pay up his or her full amount of stock subscribed, at any time that the directors may agree to receive the same, and each stockholder shall be personally liable to the association for the amount of their stock.

Proviso.

Directors to manage affairs.

3. *And be it enacted*, That the property and business of said association shall be managed and directed by a board of directors, who shall be stockholders in said association, and shall be chosen annually, at such time and place in the county of Warren, in such manner and upon such notice, as the laws of said association shall direct, who shall hold office for one year, and until others are elected; that Edward W. Dale, William W. Dale, Jacob Seigle, William Feit and Thomas shall appoint three judges or tellers to receive the votes for the first directors of this association under the charter; that the board of directors shall not be less than nine, nor more than nine directors; that the directors of the association shall choose one of their number president, and shall appoint such other officers and agents as they shall deem proper, and fill vacancies in their own board until the next election, make by-laws, collect installments on the stock, money on interest to members and other persons of the association offering the highest premium, and declare dividends to the stockholders entitled to receive them.

Vacancy, how filled.

*enacted*, That each member of said association <sup>Failure to pay</sup> ~~Failure to pay~~ <sup>subscriptions</sup> ~~subscriptions~~ <sup>to work for-</sup> ~~to work for-~~ <sup>future.</sup> ~~future.~~ shall pay a sum of one dollar initiation fee upon each share in said association; that if any member own-  
 id association shall neglect or refuse to pay his  
 ents, at the time and place appointed by the  
 e payment thereof, said members so neglecting  
 to said association of twenty-five cents on each  
 said association by said delinquent; and in  
 er of said association shall neglect or refuse to  
 ment for the space of six months after the same  
 ome due, such delinquent shall forfeit to said  
 profits on his or her stock during the time  
 shall so neglect to make such payment; that  
 y become a member of said association for the  
 aining a loan, by paying to said association, the  
 lar initiation fee for every loan of one hundred  
 d from said association; that no person shall  
 vote in said association, or any profits or divi-  
 upon stock owned by him or her upon which  
 no loan obtained from the association.

*it enacted*, That the directors shall at all times <sup>Books of ac-</sup> ~~Books of ac-~~ <sup>count to be</sup> ~~count to be <sup>kept.</sup> ~~kept.  
 to be kept proper books of accounts, in which  
 d all transactions of said association; and also  
 transfer of stock of the association, which shall  
 t reasonable hours, be open for the inspection  
 s of said association; that the directors shall  
 al report to the stockholders of the affairs of  
 , of the amount of stock actually paid in, and  
 ts of the association, and no dividends shall be <sup>Dividends.</sup> ~~Dividends.~~  
 pt from the actual profits of the association.~~~~

*t enacted*, That the said institution may, or may <sup>May receive</sup> ~~May receive~~ <sup>money on de-</sup> ~~money on de- <sup>posit.</sup> ~~posit.~~  
 jority of directors may decide, receive as de-  
 a sums of money which may be offered for the  
 eing invested, in such amounts and at such  
 such terms as the by-laws shall prescribe,  
 invested accordingly, and shall be repaid to  
 at such times, and with such interest, and  
 ulations as the board of managers shall from  
 rescribe; and the said institution may accept  
 ll such trusts of every description, as may be <sup>May execute</sup> ~~May execute <sup>trusts.</sup> ~~trusts.~~  
 them by any person or persons whatever, by  
 ise, or transferred to them by the order of any~~~~

Interest not  
allowed.

7. *And be it enacted*, That the institution shall be required to allow interest on deposits until it amounts to one dollar, nor to allow interest on the fractional part of a dollar, nor shall the institution be required to allow interest on the fractional parts of a month.

Deposits to be  
entered in  
books.

8. *And be it enacted*, That all deposits and payments be regularly entered in the books of the institution, and every person depositing money shall be furnished with a receipt of his or her account, in which every deposit shall be regularly entered, as soon as made.

May invest  
money in  
stocks or  
bonds.

9. *And be it enacted*, That the said institution may invest money in the stocks created under the laws of the several States, and in the stocks and bonds issued by the several States, and also in such bonds as may be issued by the several counties, and cities and townships in the different States, under the laws thereof, and also upon bonds and mortgages.

Act how con-  
strued.

10. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every benevolent purpose therein intended.

How dissolved

11. *And be it enacted*, That the said association may be dissolved at any time, at a general meeting of the stockholders, specially called for that purpose; *provided* that a majority of the stockholders of said corporation, representing at least two-thirds in value of the capital stock, concur thereunto. Upon such dissolution, the directors for the time being, or the survivors of them, or such other persons as the stockholders shall appoint, shall be trustees for settling the affairs of the association, collecting and disposing of the property and assets, paying its debts, and dividing the same among the stockholders, in proportion to their respective interest in the stock.

Proviso.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1872.



## CHAPTER CCXXIII.

and an act entitled "An Act to validate and main agreements between the companies owning lines between New York and Philadelphia."

*PASSED by the Senate and General Assembly of New Jersey,* That whenever the joint board of the corporations designated in said act as companies, to wit, "The Delaware and Raritan ny, The Camden and Amboy Railroad and a Company, and The New Jersey Railroad and a Company," shall, <sup>Authorized to consolidate and adopt a corporate name.</sup> as provided in the said act ed, have filed or caused to be filed the certificate section of said act authorized or directed to be three companies shall be and become one con- corporation, with the corporate name stated in such Powers. th the following named powers, in addition to ast mentioned act conferred, to wit: the con- corporation thus authorized to be formed, shall be and hold all the rights, titles, powers, franchises, property, immunity and advantages heretofore on or now held by any or either of said three respectively, and subject to all contracts, agree- engagements heretofore lawfully made by said or either of them, and the same shall pass to merged in said consolidated corporation; subject, to all the duties and obligations now existing by said three corporations; and said consoli- tion shall have like power to grant, convey, sign, under or by using the name of such con- corporation, all the property held by either or all three corporations, as they or either of them now conveyances or assignments, grants, transfers, uments to be executed by the proper officers or d consolidated corporation, as the board of di- of may, from time to time, regulate or direct; t nothing in this act contained, shall release Proviso. said corporations from any duty, obligation or

Proviso.

contract imposed upon and now resting upon them u  
of the laws of the state of New Jersey; *and provided*  
that nothing in this act contained, shall in any wise  
impair the rights of the state of New Jersey in ref  
the said corporations or either of them, nor shall  
in consequence of the passage of this act be cons  
waiving any right or rights which the state now ha  
after may have in said corporations or either of the  
a waiver of the right of the state to take the said  
tions or either of them, at the time and in the ma  
vided for in the charters of the said several corpora  
the supplements thereto or either of them.

Capital stock.

2. *And be it enacted*, That the capital stock of s  
corporations shall constitute and be the capital stock  
consolidated corporation; and the certificates of sto  
present existing three corporations shall be call  
cancelled, and a like amount of the stock of the  
solidated corporation issued in lieu thereof; and ea  
holder shall be entitled to as many votes at the me  
the stockholders of the said consolidated corporat  
shall hold shares of stock; and the directors of sai  
dated corporation shall be thirteen in number, one  
pointed by the legislature in joint meeting, and  
twelve as follows, to wit: four of the first directors  
elected by the stockholders of The New Jersey Rail  
Transportation Company; four by the stockholders  
Delaware and Raritan Canal Company, and four  
stockholders of The Camden and Amboy Rail  
Transportation Company; after which the said t  
directors shall be elected annually, on the first M  
May in each year, at a meeting of the stockholders  
consolidated corporation, to be holden at Trenton  
other time or place within the state of New Jersey  
directors may appoint; but a failure to elect on  
named, shall not dissolve the corporation, but the  
may order the election to be held on a subsequent  
all directors shall hold their office until others are  
their stead; and the said directors shall elect fr  
number a president, and may elect such other off  
make such by laws as they may deem necessary.

Election of di-  
rectors.

President.

Act not to  
take effect un-  
til accepted by  
stockholders.

3 *And be it enacted*, That this act shall not go i  
until accepted by the stockholders of each of s  
panies, at stockholders' meetings to be called for

the stockholders may vote in person or by each stockholder shall be entitled to one vote for each stock held by him, and a majority of votes shall be necessary for such acceptance; and after the passage of this act, and the organization of the said corporation under the same, the said three companies shall continue to exist as separate corporations; *provided*, Provided. that no provision in this act shall in anywise affect or interfere with the rights of suits, or proceedings of any kind now pending in the courts of this state to test the validity of any lease or leases entered into by the said corporations, or either of them, with any railroad corporations.

*it enacted*, That any provision in any act heretofore enacted, relative to said corporations, or either of them, which is hereby repealed, so far as the same is inconsistent with the provisions of this act.

*it enacted*, That this act shall take effect immediately.

March 14, 1872.

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## CHAPTER CCXXV.

Supplement to an act entitled "An Act to facilitate the collection of taxes in the township of Washington, county of Burlington," approved March seventeenth, one thousand eight hundred and seventy.

*ENACTED by the Senate and General Assembly of New Jersey*, That the provisions of said act be Act extended. extended to the townships of Woodland and the said county of Burlington.

*it enacted*, That this act shall take effect immediately.

March 15, 1872.



## CHAPTER CCXXVI.

## An Act to incorporate the Continental Transit

**1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,** That James Bishop, James L. Harrison, John P. Hardenbergh, Charles Lord, John H. Wells, James Bryce and William S. Banta, together with such other persons as shall subscribe to the stock hereby authorized, their successors, be and are hereby constituted a body corporate and politic, in law and in fact, by the name of the "Continental Transit Company," and by that name they may have perpetual succession, and shall have power to sue and be sued, to defend and be defended, in all courts of law and equity, for the receipt, transferring and general forwarding and express of all kinds of goods, chattels, merchandise, money and any, and every description of property, from and between, and at various parts and places in this State, beyond the limits thereof, and to do such things as may be necessary and convenient to a corporation and necessary for the purpose of carrying out the purposes of this act.

**2. And be it enacted,** That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, and shall be divided into shares of one hundred dollars each, and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid at such times, and in such manner, and upon such notice as the directors of said corporation may appoint.

**3. And be it enacted,** That the above named persons, or a majority of them, may receive subscriptions, from time to time, to the capital stock of said company, in shares of one hundred dollars each, and for the purpose of offering the same, they shall give at least ten days' notice by advertisement in one or more newspapers of this State, the time and place of subscribing; and every person who subscribes shall become a holder or entitled to one or more shares



reupon become a member of "The Continental  
ny," hereby incorporated.

*It enacted,* That for carrying out the purposes May purchase  
and hold real  
estate.  
the first section, the said company may, from  
acquire, hold, use, receive and transfer all and  
description of personal property as may be  
a for carrying on their business as aforesaid,  
urchase, hold, mortgage and convey so much  
may be necessary in and for the prosecution  
n of their business; and for the purpose of  
business its principal office shall be at Jersey

*It enacted,* That whenever five hundred shares When to com-  
mence busi-  
ness.  
shall be subscribed, and twenty-five per cent.  
the said company shall have power to organize  
of directors and officers, and to transact busi-  
ness by this act.

*It enacted,* That the business of the said cor- Election of di-  
rectors.  
be conducted by seven directors, who shall hold  
il others are elected in their stead, who, during  
service, shall have the sole management and  
e stock, property and affairs of said company,  
y of whom shall, at all times, constitute a  
tent to transact business; the election for direc-  
eld at such time and place as the by-laws of the  
n shall provide, at which each stockholder shall  
one vote, in person or by proxy, for every share  
f full paid stock, as shall appear on the books  
y; and the said directors shall have power, by  
et such officers as they may need, and to fill  
hat may occur either in the board of directors Vacancy, how  
filled.

*It enacted,* That this act shall take effect imme-

March 19, 1872.

CHAPTER CCXXVII.

Supplement to the act entitled "An Act to incor-  
porate the Ridgfield Park Hotel Company," approved March  
thirtieth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly* of the State of New Jersey, That the title of the act entitled "An act to amend an act entitled 'An act to incorporate the Teaneck Improvement Company,' and all powers, privileges and franchises conferred upon 'The Ridgfield Park Hotel Company,'" be and the same is hereby amended so that the title of the said act shall be and the same shall read as follows, to-wit: "An act to amend an act entitled 'An act to incorporate the Teaneck Improvement Company,' and all powers, privileges and franchises conferred upon 'The Ridgfield Park Hotel Company,'" be and the same is hereby conferred upon and granted to the said "Teaneck Improvement Company."

2. And be it enacted, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCXXVIII.

**An Act to incorporate the Teaneck Water Co**

1. BE IT ENACTED *by the Senate and General*  
*the State of New Jersey, That* George H. Coffe  
 H. Terhune, Charles Rohr, Lyman B. Bunnell  
 gustus Johnson, their successors and assigns be  
 are created a body corporate, under the title of  
 neck Water Company," and shall be capable of  
 holding and conveying any lands and chattels n  
 proper for the object of the corporation hereby c

Amount of capital stock.

each, with the privilege to increase the number five hundred.

*enacted*, That a majority of the corporators Commissioners to open books of subscription. to receive subscriptions to the capital stock ; y may commence operations, as soon as one y shares have been subscribed for, and ten paid in ; that the corporators aforesaid shall board of directors, and hold their office until are chosen ; and that there shall be an of the stockholders held on the first Mon-, in each year, for the purpose of electing transacting other business of the company ; , that a neglect to elect directors on the day Proviso. not work a forfeiture of the charter.

*enacted*, That the Teaneck Water Company Authorized to construct and operate water works, &c. is authorized to construct and operate water works in Bergen county, and to this end are empowered to lay out, construct, and maintain ditches, drains, pumps, drains and other structures, to lay pipes, clean and excavate streams, and to do all such acts necessary and expedient to procure for the domestic and public uses of the citizens of Teaneck and adjacent thereto ; and it shall be lawful for the company, by its agents, to enter at all times upon the lands May enter on lands. west of the Northern Railroad of New Jersey, in the townships of Englewood and Ridgefield, in the county of Bergen, and survey, excavate and bore for water, to lay out, construct, and maintain ditches, drains, reservoirs and other buildings (doing no damage to private property), and when said work has been determined upon, shall cause a map of the lands, except streets now in use, which are to be taken for the purpose aforesaid, and file the same in the clerk of Bergen county ; and then it shall be the duty of the said company, by its servants or contractors, to enter upon and hold the same for reservoirs, for other purposes necessary for completing the work contemplated, subject to such compensation as may be provided for.

*enacted*, That in case of legal incapacity or death of the owner, and in other cases, where the company shall not agree with the owner or the owners on the terms of purchase, the company shall serve personal notice upon the owner, and if unknown or out of the state, or if unknown or out of the state, to publish notice in one of the newspapers Proviso. In case company and owners cannot agree.

printed in Bergen county, that the company intend to make application to one of the judges of the court of common pleas in said county, on a day and at a place named, not less than twenty days from the service or publication of said notice, the appointment of three commissioners, and on or before the day at the place named in said notice, the said judge shall make said appointment under his hand and seal, and shall assign to the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the lands in question and make a true report, according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days notice of their said meeting, as hereinbefore directed, and the judge so appointed, to proceed to view and examine the lands, and make a just and equitable estimate of the damages to the same, and assess the damages which will accrue from the doing of said works; and the said commissioners shall make writing to the parties interested, the whole as directed by the said company must pay each owner, stating in writing the metes and bounds of the lands assessed, and the report the said company shall have filed in the office of the clerk of Bergen county, to remain on record together with a copy thereof, certified by the clerk of said court, and at all times, be considered as plenary evidence of the facts of said company to have, hold, use, occupy, possess, and enjoy the land so described, and it shall be the duty of the said company to pay the owner or owners the amount of the damages aforesaid; or in case the owner or owners refuse to receive the same, or live out of the state, or are incapable by law to receive the same, then said sum shall be paid over and delivered to the clerk of said county, to be by him held for and paid to such owner, and upon making payment in either of the ways above stated, the title of the premises mentioned in the award, and so paid for, shall be vested in said company.

6. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners made in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next session, and upon the said court shall hear and determine the matter in the same manner as if said owner summoned the said company to appear before them; and if the judge of the cause shall find a greater sum than the one

Proceedings  
in case of appeal.



or the company offered in favor of said owner  
 en judgment thereon, with costs, shall be en-  
 the company, which shall constitute a lien upon  
 in question; which said lien shall have priority  
 er incumbrance which said company may have  
 the said jury shall find the same or less amount  
 pany shall have offered, or the said commission-  
 then the person appealing shall pay the costs  
 er as the court shall direct.

*it enacted*, That if any person shall wilfully Penalty for  
injuring  
works.  
 , or wilfully do, or cause to be done, any act or  
 to injure any conduit, pipe, cock, machine, tank,  
 ks, buildings, or structure whatsoever, or any  
 ining to the works of said corporation, or where-  
 may be stopped, obstructed or injured, the per-  
 ns so offending shall be deemed guilty of a  
 and being thereof convicted shall be punished  
 exceeding three hundred dollars, or imprison-  
 eeding two years, at hard labor, or both; *pro-*  
 riminal prosecution shall not impair the right Proviso.  
 damages by a civil suit, which is hereby au-  
 e brought for such injury as aforesaid, by and  
 of said corporation, in any court having cogni-  
 same.

*it enacted*, That said company be, and they Empowered  
lay pipes in  
streets, &c.  
 ally authorized and empowered to lay their pipes  
 e public roads, streets, avenues and alleys, as  
 m necessary for the purpose aforesaid, free of  
 o be made by any person or persons, or body  
 ever for such privilege, and also place hydrants  
 gs or intersections of the said streets and alleys;  
 t the said pipes shall be laid at least two feet Proviso.  
 rface of the same, and shall not, in anywise,  
 obstruct or interfere with the public travel or  
 ic property, and that the earth excavated in  
 pes shall be replaced so that the surface of the  
 be in as good condition as the same was before  
 ns were made.

*it enacted*, That the said company may sell Water rents.  
 f the water issuing from said reservoirs, aque-  
 s, for such price or prices, as annual rents, and  
 istrictions as they may think proper.

*be it enacted*, That if the work of constructing Lim'tation.

said reservoirs and appendages shall not be commenced in the term of five years from the date of the act, this act, the same shall be null and void.

May borrow  
money, &c.

11. *And be it enacted*, That the said company shall have power to borrow money not exceeding two-thirds of the capital stock paid in, and to secure the same by all other evidences of debt, bearing interest not exceeding five per centum per annum, and mortgage upon their lands and franchises and privileges, and by such other means as they may deem expedient.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCXXIX.

An Act to incorporate the Wildey Hall Association of Camden County, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of New Jersey*, That George F. Fields, Jesse John F. Starr, William Allen, P. G. Stephani, H. James W. Wroth, Thomas Meryweather, Josiah Charles S. Garnett, their successors, and such persons as are now, or hereafter may be associated with them, do hereby are ordained, constituted and declared a body politic and corporate, in fact and in law, by the name and title of "The Wildey Hall Association of Camden County, New Jersey."

Object and  
powers.

2. *And be it enacted*, That the object of said association shall be the purchase of a hall known as "the Wildey Hall," and located in the city of Camden; and it shall be lawful for said corporation to use, rent, or lease the same, and permit to be used such parts of the hall as shall not be necessary for holding meetings, for the purpose of carrying on any trade or business there.

h the laws of this state, or the provisions of

*it enacted*, That the capital stock of said as- Amount of capital stock  
be fifteen thousand dollars, with the privilege  
the same, from time to time, to any sum not  
y thousand dollars, divided into shares of ten  
said shares to be deemed personal property,  
such manner as the by-laws of said incorpora-  
et.

*it enacted*, That the government of said in- Affairs to be managed by directors.  
nd the management and disposition of its  
y and concerns, shall be vested in five direc-  
om among the stockholders, in the manner  
ected, who shall hold their office for the term  
nd until others are elected; and in all cases  
hosen at one election shall be capable of serv-  
thereof, until another election shall have been  
uld any vacancy or vacancies occur during the  
en the elections, by reason of death, resigna-  
ise, in such case the remaining directors, or a  
em, may proceed to choose persons to fill such  
ancies; the said directors shall appoint from  
ves a president, secretary, and treasurer.

*it enacted*, That the election for directors afore- Election of directors.  
eld annually, on the second Tuesday of April,  
in the city of Camden as shall be directed by  
said incorporation, and public notice of said  
be given, not less than five days' previous  
each stockholder shall be entitled to as many  
on or by proxy, as he, she or they shall hold  
capital stock of the said incorporation.

*it enacted*, That in case it should at any time Failure to elect directors not to dissolve  
a election should not be held, the said corpora-  
for that cause, be deemed to be dissolved, but  
may be lawful to hold such election on such  
he manner aforesaid, as shall be prescribed by  
d corporation.

*it enacted*, That the directors shall at all times Books to be kept  
to be kept proper books of accounts, in which  
arly entered all transactions of the said cor-  
h books shall at all times be open to the in-  
e stockholders, or their legal attorney or at-  
further, that no transfer of stock shall be



Stock, how  
transferable.

Taxation.

Repealer.

valid or effectual until such transfer shall be registered in a book kept by the directors for that

8. *And be it enacted*, That the real and persons of said corporation shall be subject to taxation.

9. *And be it enacted*, That all acts and parts consistent with this act are hereby repealed.

10. *And be it enacted*, That this act shall take immediately.

Approved March 19, 1872.

## CHAPTER CCXXX.

A Further Supplement to an act entitled "An Act to incorporate the Farmingdale and Squan Village Railroad Company," approved April third, eighteen hundred and seven.

Authorized to  
construct  
branch rail-  
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Farmingdale and Squan Village Railroad Company be, and they are hereby authorized and empowered to survey, lay out and construct an extension or branch of their railroad from some point or near the present terminus thereof, at Squan, in the county of Monmouth, to some point at or near Grove, in said county; and in order to enable said company to prosecute, complete and use the said extension of their railroad, they are hereby invested with all the powers and authority, and subject to all the limitations and restrictions conferred by or imposed by the original act of incorporation, and the supplement thereto now in force.

May borrow  
money.

2. *And be it enacted*, That the said company be, and they are hereby authorized and empowered to borrow such sum or sums of money from time to time, as shall be necessary to build and construct an extension or branch of their said railroad, and to secure the same by bond and first mortgage, or other security, on the said road, lands, privileges, franchises, depots



or belonging to said extension or branch of said  
 ate of interest not exceeding seven per cent. per  
 ch mortgage shall have priority over any mort-  
 have been or may hereafter be executed on main  
 road; and it shall not be lawful to plead usury  
 ds or other securities sold by them at such prices  
 ne they thought best for the interest of the com-  
 said securities shall be good at all times against  
 y for their face value.

*be it enacted*, That this act shall take effect imme-

March 19, 1872.

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## CHAPTER CCXXXI.

authorize the trustees of the Trinity Methodist  
 Church in Dennisville, in this State, to sell the  
 e and chapel.

*ENACTED by the Senate and General Assembly of*  
*New Jersey*, That the trustees of the Trinity  
 Episcopal Church, a corporation located in Den-  
 the county of Cape May, in this state, be and  
 are authorized and empowered to grant, bargain,  
 convey, by deed, in fee simple or otherwise, their  
 and chapel.

*be it enacted*, That this act shall take effect imme-

March 19, 1872.

Trustees may  
 sell and con-  
 vey parson-  
 age and chapel

## CHAPTER CCXXXII.

An Act to incorporate the Workingmen's Beneficial Association, of Gloucester City, Camden county, New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Thomas McCabe, David Keown, Laurence Conroy, Herman Klosterman, John Brien, Peter Toole, and such other persons as now hereafter may be associated with them, and their successors shall be and are hereby constituted a body corporate, the name of "The Workingmen's Beneficial Association of Gloucester City, Camden County, New Jersey," and the name they and their successors shall have perpetual succession, and may have and use a common seal, and shall have power to change and alter the same at pleasure; their name aforesaid, and under their common seal, may make, enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of this incorporation.
2. *And be it enacted*, That the object of this incorporation shall be to assist its sick or disabled members, and to aid in burial of its deceased members, or a member's family.
3. *And be it enacted*, That the said corporation shall have power to adopt a code of by-laws and constitution for the better management of finances, general business and election of officers; *provided*, that such by-laws shall not be repugnant or inconsistent with the constitution of the United States or this state.
4. *And be it enacted*, That the said corporation may hold real or personal property, either purchased or devised, the value to exceed the sum of five thousand dollars.
5. *And be it enacted*, That said corporation may have the power for the collection of fees, dues, assessment and fines from its members to carry out the objects hereinbefore stated, and for the suspension or expulsion of its members for non-compliance with its lawful rules.
6. *And be it enacted*, That the property of said association shall be exempt from any tax imposed by or under the laws of this state.

*it enacted, That this act shall take effect im-*

March 19, 1872.

### CHAPTER CCXXXIII.

incorporate the New Jersey Conference Camp Meeting Association.

*ENACTED by the Senate and General Assembly of New Jersey, That* William E. Perry, Elwood H. Corporators.  
 b B. Graw, Henry M. Brown, Samuel E. Post,  
 rry, Philip Kline, William Watson, James F.  
 er R. Snyder, Isaiah D. King, Joseph B. Dob-  
 M. Cassidy, James M. Hoffman, William Fischer,  
 Ballard, and their successors, be and they are  
 ituted a body politic and corporate, by the name  
 ew Jersey Conference Camp Meeting Associa- Name and powers.  
 e purpose of providing and maintaining for the  
 d friends of the Methodist Episcopal Church, a  
 enient, desirable and permanent camp meeting  
 the townships of Mantua and Clayton, in the  
 loucester.

*it enacted, That it shall and may be lawful for* May purchase, hold and pos-  
 tion to purchase and hold real and personal es- sess lands.  
 acquire such lands in this state, in fee simple or  
 they may deem necessary, proper, or desirable,  
 poses and objects of said corporation, and the  
 part thereof to dispose of in fee simple or oth-  
 ch terms, conditions and restrictions, not repug-  
 laws of this state or the laws of the United States,  
 s of said corporation may see fit.

*it enacted, That the capital stock of said cor-* Capital stock.  
 ll be twenty-five thousand dollars, and may be  
 any sum not exceeding fifty thousand dollars,  
 divided into shares of fifty dollars each, which



shall be considered personal property, and transferred to the books of said corporation only.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons named in section of this act shall be commissioners to open and receive subscriptions to the capital stock of said corporation at such time or times, place or places, and upon such terms as they or a majority of them may think proper; and as the sum of five thousand dollars shall have been subscribed, said commissioners shall give notice in such manner as they may see fit, of a meeting of the stockholders to choose not less than five nor more than nine directors, who shall succeed to their offices until others are elected in their stead.

Affairs, how managed.

5. *And be it enacted*, That the affairs of said corporation shall be managed by not less than five nor more than nine directors, to be chosen by the stockholders annually on the first Tuesday in October in each year, who shall hold their offices for one year, and until others are chosen in their stead; and said directors shall elect one of their number to be president of said corporation, and shall also elect, employ or appoint such other officers, agents and servants as they may deem necessary, and shall have power to appoint such other officers as may be deemed necessary for the purpose of enforcing the laws of said corporation, and for the purpose of keeping order on the camp grounds and premises of said corporation, which officers shall be paid by said corporation for their services, and such peace officers when on duty shall possess the same power and authority, and be entitled to the same privileges and immunities which constables and other peace officers possess or are entitled to when in the discharge of their duty; and such peace officers shall have power to enforce their duty; and such peace officers shall have power to enforce their duty, to enforce obedience to any rules and regulations of the directors of said corporation, the provisions of an act entitled "An Act for suppressing vice and immorality," and of an act entitled "An Act to prevent disturbance of meetings held for the purpose of religious worship," and of the several supplements thereto, shall have power to enforce all meetings or other gatherings of said corporation.

May make rules and regulations.

6. *And be it enacted*, That the directors of said corporation shall make and enforce all such by-laws, rules and regulations as they may think proper, for the government of said corporation; and if any and all persons while on the camp grounds and premises of said corporation, during the continuance of any camp meeting there held, and for the purpose of admission to the camp grounds and premises of said corporation

urpose of maintaining order and preventing  
a, upon, or about the camp grounds of said  
nd they shall have power to suppress the sale May prohibit  
sale of liquors  
its, and prohibit gambling either upon the  
and premises of said corporation, or within  
a mile of the boundaries thereof, during the  
any camp meeting or other assemblage upon  
nds and premises of said corporation.

*Act enacted,* That said corporation shall have May lay out  
streets and  
highways.  
is hereby authorized, to lay out streets and  
and across the lands by said corporation pur-  
chased, and to regulate the use of such streets  
and to vacate and close up any road upon or  
s; *provided*, that nothing herein contained Proviso.

said corporation to interfere with or impair  
erty or franchises of any other corporation,  
d close up any public highway which has been  
out, and a return thereof recorded in the  
clerk of the court of common pleas of the  
Gloucester.

*Act enacted,* That said corporation be, and it is Empowered  
to purchase  
lands from an  
association.  
ized and empowered to purchase from an asso-  
ciation *The New Jersey Conference Camp Meeting*  
the lands now owned by said association, situate  
ve, in the townships of Mantua and Clayton,  
of Gloucester, and to issue and use in payment  
capital stock of said corporation.

*Act enacted,* That this act shall take effect imme-

March 19, 1872.

## CHAPTER CCXXXIV.

A Further Supplement to an act entitled "An Act to incorporate the Hudson County Gas Light Company," March sixth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the company shall have power to increase the capital stock to any sum not exceeding the sum of four hundred dollars more than they are now authorized to issue, to be divided into shares of fifty dollars each, as provided in the act to which this is a supplement is provided.

Capital stock  
may be in-  
vested.

Approved March 19, 1872.

## CHAPTER CCXXXV.

A Supplement to an act entitled "An Act to incorporate the Mechanics' Savings Bank of Elizabeth," February twenty-third, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any annual meeting of the incorporators of said bank, and those associated with them, hereinafter provided, it shall be lawful for them to increase the number of incorporators to such number as they may deem proper, not exceeding thirty-five, and may fill any vacancy that may occur among the original incorporators, those so elected, by death, resignation, declination or removal from the county of Union, and the members of any part thereof, thereafter elected, may be chosen as original incorporators, or those selected as above.

May increase  
number of  
corporators.



ers so elected, shall meet on the Tuesday following and elect a president who shall serve for President. year, and until his successor is elected and

enacted, That the said bank shall invest no Money, how public stocks, other than such as are created invested. of the United States or the states of this the bonds of the counties, cities and townships provided, said corporation may take temporary personal securities, but no such temporary made, except upon the pledge as collateral of of an incorporated company in this state, business in the counties of Essex or Union, and dividends or interest shall be regularly paid, at seven per cent. per annum on the par value the amount loaned thereon shall not in any case exceed ninety per cent. of the market value

enacted, That so much of the act to which Repealer. amendment as conflicts with this act be and the repealed, and that this act shall take effect

March 19, 1872.

## CHAPTER CCXXXVI.

Corporate Company A, National Guard, of the City of Trenton.

ACTED by the Senate and General Assembly of New Jersey, That Robert C. Belville, William Corporators, Thomas S. Stevens, Howell C. Stull, John Evans, and John G. Boss, and their associates, members of the third battalion, national guard, of the City of Trenton, and state of New Jersey, and their successors, be and they are hereby a body politic and corporate in law, by the

Name and  
powers.

name, style and title of "Company A, National the City of Trenton;" and by that name they and their successors may, at all times hereafter, be able to sue, defend, plead and be impleaded, and to have full power to collect any debts now due and owing, or which may be due and owing, to said company, in any court of law or equity in or elsewhere.

May hold real  
or personal es  
tate, &c.

2. *And be it enacted*, That the said corporation may at all times hereafter, be capable of having, purchasing and possessing any lands, tenements, premises and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, or of making the same; *provided, always*, that the said corporation or body politic shall not, at any time, hold property, real, personal, or mixed, exceeding in value the sum of fifteen thousand dollars.

Proviso.

Affairs, how  
managed.

3. *And be it enacted*, That the management and direction of the affairs and property of the said corporation be vested in a president, vice president, treasurer, and five directors, who shall be elected annually, and in such manner as the said corporation shall by-laws provide; *provided*, such by-laws shall not be inconsistent with the constitution and laws of this state and of the United States.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCXXXVII.

An Act to incorporate the Wolf Tone Association of Bergen county.

Corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Daniel Hare, John Richard Hardy, David Lane, Hugh Murphy, William and David Daly, their successors and assigns, be



by created a body politic and corporate, in fact and with all corporate powers for the purpose of building Powers.  
 erecting a hall in the county of Hudson and state of New Jersey, and for such other social and benevolent purposes they by their by-laws may direct, not incompatible with the laws of this state or of the United States; and for the purpose the said corporation may from time to time make laws for their government and regulations as to the society shall seem meet and proper; and they may from time to time increase or decrease the number of trustees, and the purposes of said organization shall have all the powers of corporations of like kind under any laws of this state.  
*and be it enacted*, That the capital stock of said corporation shall be fixed at thirty thousand dollars. Capital stock.  
*and be it enacted*, That the charter hereby conferred Limitation.  
 shall remain in full force and virtue for the period of thirty years.  
*and be it enacted*, That this act shall take effect immediately.  
 Approved March 19, 1872.

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## CHAPTER CCXLI.

Further Supplement to the act entitled "An Act to regulate judicial proceedings in the county of Camden," approved March ninth, one thousand eight hundred and ninety-nine.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas and general quarter sessions of the peace, in and for said county of Camden, shall hereafter consist of three judges, in addition to the justice of the supreme court holding the court for said county, one of which three judges shall be a lawyer at law.  
*and be it enacted*, That the judge of said court, who shall be a lawyer at law, shall receive a salary of eighteen hun- Salary of judge

Proviso.

Salary of  
other judges

Fees received  
to be paid to  
collector.

Presiding  
judge.

Justice to ap-  
prove all tax-  
ed bills of  
costs.

dred dollars per annum, payable by the board of chosen holders of said county, in quarterly payments, but shall receive none of the fees or compensation now divisible among the judges of said court; *provided, nevertheless*, that he shall be at liberty to practice law otherwise than in the county whereof he shall be judge.

3. *And be it enacted*, That the other judges of said court, except the justice of the supreme court, shall each receive a salary of nine hundred dollars per annum, payable by the said board of chosen freeholders, in quarterly payments, but shall receive none of the fees or compensation now divisible among the judges of said court; and said salary shall be in lieu of all compensation and fees that said judges are now entitled to by law; and all fees and costs that said judges are now entitled by law to receive, shall be taxed on all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Camden, and be paid over to the collector of said county for the use of said county, and all fees collected or received by said judges, either of them or received by the clerk of said county, in behalf of said judges or either of them shall be accounted for quarterly and paid over by the clerk or by the judge receiving the same to the county collector for the use of the county.

4. *And be it enacted*, That whenever the justice of the supreme court holding said circuit court shall be absent, the judge of said court, who is the counsellor at law, shall be president judge of the court of common pleas, quarter sessions and orphans' court, in and for said county of Camden.

5. *And be it enacted*, That it shall be the duty of the judge who is a counsellor at law, to approve of all taxed bills of costs taxed by the clerk of said quarter sessions, and no taxed bill of costs, or part thereof, shall be paid by the sheriff of the said county of Camden to any person authorized to receive the same, unless the same shall be first approved by said judge, and said approval written on said taxed bill of costs, and signed by said judge; and if said judge willfully approve any taxed bill of costs which shall contain any fees or costs not allowed by law to be taxed, or greater fees and costs than are allowed by law to be taxed, he shall be deemed guilty of a misdemeanor, and on conviction thereof may be fined any sum not exceeding one hundred dollars; and if any sheriff shall pay any such



ts, or any part thereof, to any person or persons, each approval of said judge in writing on the same, deemed guilty of a misdemeanor, and on conviction may be fined any sum not exceeding one hundred

*be it enacted*, That hereafter when any person charged, upon oath or affirmation, before any justice of the peace or police justice in the county of Camden, with a crime now triable by law before the court of general sessions of the peace in and for said county, and he shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment by jury, and request to be tried immediately, the duty of said prosecutor to apply to the president of said court of common pleas, and if, in his opinion the public interest will be benefited by granting the request, he shall thereafter call a court of special sessions, to be composed of himself and at least one judge of said court, to meet in the court house of said county, which court is hereby empowered and required to try the case with all due speed, having due regard to the necessities of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine the guilt or innocence of the person charged; *nevertheless*, that no person shall be convicted of a crime by said court unless by a majority of the judges of said court before whom such person shall be tried, of whom the judge who is a counsellor at law shall be

Indictments  
and crimes  
tried there  
when deemed  
necessary.

Proviso.

*be it enacted*, That whenever two or more persons charged with any crime triable before the said court of general sessions who could be jointly indicted for the same shall be but one allegation filed against such persons and but one bill of costs taxed for the trial thereof.

Allegations  
and bills of  
costs.

*be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act shall be and the same are hereby repealed, and that this act shall take effect

Repealer.

March 19, 1872.

## CHAPTER CCXLII.

A Further Supplement to an act entitled "An Act to amend the charter of Atlantic city," approved thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of Atlantic City, by a majority of votes, shall have power to pass and enforce ordinances to take effect in said city, for the following purposes: to declare what shall be considered nuisances in the streets, lots and places in said city; to prevent and remove all nuisances in or upon any street, lots or enclosure, and further, to determine when it shall be necessary for the health of said city or the citizens thereof, that the lots in which water stagnates shall be filled up by the owners of the same, and order and direct and fix the time within which the same shall be done; and in case the owners shall fail or neglect to fill said lots within the time prescribed by said city council, then the said council may proceed to fill up said lot or lots, and the costs and expenses of so doing shall be a lien on said lot or lots for the space of five years, and the said city council may proceed to fill up the same either by action of debt or by the sale of such lot or lots from the owner or owners of such real estate or their legal representatives, in the same way and manner as by said city charter is provided where owners of real estate refuse to comply with ordinances directing the grading, paving, graveling, flagging and curbing the streets and walks of said city.

2. *And be it enacted*, That the superintendent of common schools of said city shall be the school treasurer and shall receive from the tax collector of said city the moneys assessed and by him collected for school purposes in said city, which moneys the tax collector shall pay to the school treasurer and take his receipt therefor, within the time prescribed by law for collecting the same; and the treasurer of Atlantic City shall pay over to said school treasurer, and take his receipt therefor, all moneys which

school purposes, by virtue of any law of this state, after receiving the same.

*It is enacted,* That the said school treasurer shall Money, how paid out.

monies by him so received for school purposes, a written order of the trustees of said city, or of them, which order shall state the purpose for which given, and be made payable to the person entitled to the money, and be by him or her endorsed.

*It is enacted,* That it shall be the duty of the said Statement to be made.

treasurer annually to present to the city council of their annual meeting, an exhibit of his account-book as will show the sources and amount of reimbursements, to whom paid, and for what purpose, with vouchers, in order that his account may be audited by said council.

*It is enacted,* That it shall be the duty of said May license teachers.

superintendent, in connection with the trustees, to hold such times and places as the said superintendent may determine, to examine and license at their option, under seal, or a majority of them, who shall attend and place so appointed, a person or persons to be employed in said city, for such time as they may be licensed, and the license shall specify what grade it is, and may be revoked by said superintendent and trustees at any time as aforesaid, and no person shall receive any salary for teaching in said city, unless possessed of a license.

*It is enacted,* That it shall be the duty of the said Superintendent to visit schools quarterly.

superintendent to visit each public school, and each department, at least once in each quarter, and he shall report to the trustees what to him shall seem for the well-being and prosperity of said schools; and he shall examine the books for said schools, and when new books are to be purchased he shall select them.

*It is enacted,* That for all the duties hereinbefore Compensation

performed by said superintendent, he shall receive a compensation of ten cents per head for each pupil on the school rolls of said city, to be paid out of the city treasury as for other officers of said city are paid.

*It is enacted,* That any reputable person owning Petition to keep inns and taverns.

property in Atlantic City may sign a petition for the grant of a license to keep an inn and tavern in said city, and such license shall be valid; and in granting any such



License fee.

license, the city council of said city may charge a fee not exceeding three hundred dollars, nor less than one hundred, and the person receiving the same need not be provided with stabling.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCXLIII.

An Act to empower the Board of Chosen Freeholders of the county of Union, to build a drawbridge over Rahway river in the city of Rahway.

Power to build  
draw bridge.

1. BE IT ENACTED *by the Senate and General Assembly of New Jersey*, That the board of chosen freeholders of the county of Union be, and are hereby empowered to build a drawbridge over Rahway river, to connect Paterson with Rahway, as laid down on the map made by the commissioners of the city of Rahway, to lay out streets, avenues and squares in the city of Rahway, with Hopkinson street, as laid down on said map.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCXLIV.

plement to the act entitled "An Act to re-  
mend the charter of the city of Camden," ap-  
uary fourteenth, eighteen hundred and seventy-

ACTED by the Senate and General Assembly of  
New Jersey, That so much of section twenty- Repealer.  
ct, to which this is a supplement, as authorizes  
of the city council of the city of Camden, to  
meetings of said city council, when the public  
his opinion, render it necessary, be and the  
repealed.

t enacted, That so much of section twenty-nine Repealer.  
requires the ordinances mentioned in said sec-  
ished in the newspapers printed and published  
y of Camden, before the same shall take effect,  
ame is hereby repealed; and the ordinances  
ferred to in said act, shall be published for Ordinances to  
least once in each week, in three newspapers, be published.  
ublished in said city, before the same shall  
d the said city council shall designate in which  
ers the same shall be published.

t enacted, That it shall not be lawful for said Ordinances,  
publish any notice, advertisement, ordinance notices, &c.,  
any more or greater number of newspapers published.  
d by law, and whenever any notice, advertise-  
ce, or petition is required to be published, the  
published in such newspapers as city council

t enacted, That hereafter no person shall be Building in-  
he said city council of the city of Camden a spector.  
ctor for said city, unless he shall be a practical  
art of building, and shall pass a satisfactory  
efore a board composed of five master builders  
by the city council, and shall have served a  
iceship in the art of building, and shall have  
builder at least three years before the time of  
nt.

Discount on  
payment of  
taxes.

5. *And be it enacted*, That on all taxes assessed before the first day of October in each and every such assessment, the receiver of taxes shall deduct a discount of five per centum.

No deduction  
allowed on  
real estate for  
mortgage debt

6. *And be it enacted*, That after making the the real and personal estate in the said city of which any individual shall be assessed, it shall not for the assessors or for the commissioner of appeals of taxation in and for the several wards of said city deduct from such valuation any debt or debts due from such individual, to any creditor or creditors; and no deduction shall be made in the valuation or assessment of any lot or real estate in said city by reason of any

Proviso.

judgment or other incumbrance thereon; *provided* in all cases when the holder of any mortgage on any real estate in said city shall not reside in the same ward where the mortgaged premises lie, the tax on the money due on the said mortgage shall be assessed against and collected from the mortgagor in the ward where the lands lie. *And further*, that in such case the said mortgagee shall be assessed for such mortgage in the township or ward in which he or she resides.

No deduction  
on real estate  
when mort-  
gage is held by  
corporations.

7. *And be it enacted*, That in case any real estate in said city shall be subject to a mortgage held by a corporation whose funds, investments and securities are by law exempt from tax, the said real estate shall be assessed on its full valuation, without any deduction for said mortgage.

Council may  
appoint com-  
missioners.

8. *And be it enacted*, That hereafter whenever the council of the city of Camden shall determine to open any street, road or highway in any part of said city or to cause any street, road, highway or alley to be laid out in any part of said city, to be vacated, opened or widened in pursuance of the seventy-ninth section of the act to which this is a supplement, and commissioner appointed by said city council in pursuance of said act the said commissioners in estimating and assessing the same shall take into consideration the damages that any owner or owners of any lands and buildings with the appurtenances necessary to be taken for said purposes, shall have due regard both to the injury to the land and real estate, and to the injury or benefit to the owner or owners thereof, by laying out, altering or widening such street, road, highway or alley, and shall assess the same on the owner or owners of any lands and real estate

Commission-  
ers to make  
assessment of  
benefits.



either of said purposes, the amount that any owners will be benefited by the laying out, opening any such street, road, highway or alley, the damages that they shall assess in favor of the owners by reason of laying out, altering such street, highway or alley, and if in any case the commissioners shall estimate the benefit to such owner to be greater than the damages, they shall issue a certificate which they are required by said act to make, and shall specially assess the value of the lands and real estate so damaged, and after such award shall be made, the lands and real estate of any such owner shall be liable for the amount by said commissioners assessed for the benefits.

*Enacted*, That said commissioners shall also assess the owner or owners of any land or real estate which is to be laid out, opened, widened or altered, so that such owner or owners will be benefited by the opening, widening or altering any such street, road, highway or alley, and shall state such amount in said certificate, and the assessment shall be and remain a lien on the real estate of such owners respectively fronting such street, highway or alley so determined by the city council to be laid out, opened, widened or altered, until the same be paid and satisfied, and all assessments for benefits may be collected from the owners and lands so liable, in proportion as the costs and expenses of grading, opening the streets in said city are authorized to be made in said city, in the act to which this is a supplement in the seventy-seventh section thereof.

*Enacted*, That when said certificate and the assessments therein contained are ratified by the city council, the same shall be binding and conclusive upon the owner or owners of any such lands or other real estate appurtenances; *provided however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceeding of the said city council or the city, may appeal therefrom, to the supreme court, within thirty days from the time of the

Assessment to remain a lien.

Assessments binding.

Proviso.

ratification of the said certificate, and the estimates and assessments therein contained by said city council, the said supreme court shall order a trial by jury of the damages sustained by the party aggrieved, and if such party will be benefited, the trial whereof shall be conducted as in other cases.

Vacancies,  
how filled.

11. *And be it enacted*, That in case of the death or disability of any of the commissioners appointed under the seventy-ninth section of the charter, this is a supplement, it shall be lawful for the said council to supply by appointment the vacancy or vacancies created by such death, resignation or disability.

Costs and fees  
on warrants to  
be paid to city  
treasurer.

12. *And be it enacted*, That all costs and fees collected by the receiver of taxes of said city on any warrant or warrants to him directed for the collection of taxes in said city, shall be by him paid over to the city treasurer for the use of said city, at the same time as he pays the taxes by him collected on said warrant or warrants.

Failure of  
owners to  
curb and pave  
sidewalks,  
council may  
order same  
done by con-  
tract.

13. *And be it enacted*, That whenever the said council of the city of Camden shall by any ordinance or ordinances passed in pursuance of the act to which this is a supplement, ordain and direct that the owners or owners of any lot or lots fronting on any street, highway or alley in said city, or any part thereof, shall curb, pave, grade, flag, or otherwise permanently improve the same, or any part thereof, or pave and grade the sidewalks and gutters thereof, or repair the same or any part or section of the same, along and adjacent to such owners' property, and said owner or owners shall not curb, grade, pave, flag, macadamize, or otherwise permanently improve the said street, highway or alley, or pave and grade the sidewalks and gutters thereof, in the manner in said ordinance or ordinances prescribed, for thirty days from the time when the same is required to be done, it shall be lawful for said city council to order some person or persons to do the same; and when the contractor or contractors doing the same, shall have completed the same, thirty days after the same is done, file in the office of the receiver of taxes of said city, a claim or statement setting forth the proportion of the costs and expenses incurred by each and every owner or reputed owner of said

Contractor to  
file claim or  
statement.

same, which claim or statement shall also of the owner or reputed owner of the real estate in which said work was done, and as nearly as possible a description of the same, and where the same was done, and the costs or expenses of performing the same, and remain a lien upon the real estate aforesaid, until paid and of performing said work until paid and standing any devise, descent, alienation, or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of the real estate in the said claim or statement; and the contractor or contractors may sue for and recover so as aforesaid due from the owner or owners of such real estate, or their legal representatives, with interest and in any court of this state having cognizance of the case, in the name of "The City of New York," the use of the said contractor or contractors, the money by said city paid, laid out and expended in the use of such owner or owners, or reputed owner or his or their legal representatives; and in the said claim or statement so filed as aforesaid, with the proof that the labor has been performed and the materials furnished shall be conclusive evidence in favor of the plaintiff; and said claim or statement, when filed, may, in any such action brought to recover the same, be received as evidence therein set forth; and no plea alleging the non-competence of parties; no plea touching the contribution among parties jointly in the case touching the question of ownership shall be received in such action, and in any such action it shall be the duty of the defendant to deny that the said work was not performed or that the amount claimed was not expended or released.

Costs and expenses to remain a lien.

Actions may be commenced for collection of costs and expenses.

acted, That this act shall take effect immediately.

19, 1872.



## CHAPTER CCXLV.

A Supplement to the "Act to incorporate the city of Trenton," approved March twenty, eighteen hundred and eighty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after this act, it shall and may be lawful for the common council of said city by ordinance to lay out or vacate any street, road, lane or alley, or any part thereof, within the limits of said city, said common council deeming the same to be in the best interests of said city.

May lay out,  
vacate streets,  
&c.

2. *And be it enacted*, That upon the petition of more citizens, residents and property owners of said city, the laying out or vacation of any street, road, lane or alley between any points designated by said petition, at any stated meeting of city council, said petition shall be referred to the street committee, which committee shall give written or printed notice in not less than five days of said place of meeting of said committee to view said petition, and if at said time they should deem such laying out or vacation desirable, they shall cause the city surveyor or other person duly qualified, carefully to lay out and vacate the same, as the case may be, and the street committee shall carefully estimate all damages to be done to property, and shall report the result of their said estimate of damages to the next stated meeting of city council.

Estimate of  
damages to be  
made.

3. *And be it enacted*, That upon the favorable report of the street committee for the laying out or vacation of any street, road, lane or alley, should said common council so order, they shall immediately frame and pass an ordinance to that effect, and authorize orders to be made by the treasurer for the amount of damages allowed.

Ordinances to  
pass if council  
confirm action

4. *And be it enacted*, That upon the passage of any ordinance as aforesaid, it shall lay over for the next stated meeting, and if in that case no action be made from its provisions, it shall be considered as a nullity.

Ordinances,  
when to take  
effect.

and the right of the public to use any street, alley thus vacated, shall then and thereafter and terminate.

*enacted*, That this act shall be deemed a public take effect immediately.

March 19, 1872.

## CHAPTER CCXLVI.

authorize the inhabitants of the township of Millstone, in the county of Monmouth, to borrow money.

It appears that the late township collector of the Preamble. township of Millstone, in the county of Monmouth, on or twenty-second day of December last, absconded, and has since taken from him several thousand dollars of the funds of the township, and has not since been heard from; and in consequence thereof the township committee have not the necessary funds on hand to meet pressing demands which lawfully exist against the township in their corporate capacity; there-

*ENACTED by the Senate and General Assembly of New Jersey.* That it shall be lawful for the Authorized to issue bonds. township of Millstone, in the county of issue bonds. to provide for the indebtedness existing against the township, by issuing bonds in the corporate name of the township, and under the hands and seals of their township committee, or any two of said township committee, and their clerk, for an amount of money not exceeding one thousand dollars, in such sums as may be most convenient on the first day of April, anno domini one thousand eight hundred and seventy-three, bearing interest at the rate of five per cent. per annum, and to pledge the taxable credit of said township for the payment of the same. Provided, that no bond shall be sold for less than its

May provide  
by taxation  
for payment  
of bonds.

Proviso.

2. *And be it enacted*, That said corporation s power and authority, by their town committe, to p taxation for the payment of said bonds, and the int may accrue thereon, at the same time and in the sam that other taxes are assessed and collected in said *provided*, that this act shall not exonerate, or pr corporation from pursuing all the lawful remedi recovery and appropriation to its use of all moneys occasioned by the non-performance, on the part o lector aforesaid, of any of the duties pertaining to

3. *And be it enacted*, That this act shall take eff diately.

Approved March 19, 1872.

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## CHAPTER CCXLVII.

Supplement to an act entitled "An Act to author habitants of the village of Matawan, to improve walks, and to lighten and sprinkle the main street village," approved March twenty-eighth, eighteen and sixty-eight.

Lighting of  
streets, and  
assessments.

Repealer.

1. BE IT ENACTED *by the Senate and General A the State of New Jersey*, That the commissioners ments, shall have power to contract for lighting s with gas, and to make assessments from time to tim assessments are made to defray the expenses atten lighting.

2. *And be it enacted*, That anything in the or inconsistent with this act, be and the same is hereby and that this act take effect immediately.

Approved March 19, 1872.

## CHAPTER CCXLVIII.

For the relief of John Nelson, of the county of Salem.

BE ENACTED *by the Senate and General Assembly of New Jersey*, That the treasurer of this state be Pension. by authorized and required to pay to John Nelson, of the county of Salem, who was a soldier in the war of one hundred and eighty-two, or to the order of his widow, the sum of one hundred dollars per annum during the term of his natural life, in equal semi-annual payments of fifty dollars each; the first payment to be made upon the first day of March, one thousand eight hundred and seventy-two.

BE it enacted, That the treasurer of this state be Treasurer to pay. and required to pay the sum as in the first section provided for, out of any money in the treasury of the state not otherwise appropriated.

BE it enacted, That this act shall be a public act, and shall take effect immediately.

March 19, 1872.

## CHAPTER CCXLIX.

An Act for the relief of Joseph Hillman.

BE ENACTED *by the Senate and General Assembly of New Jersey*, That Joseph Hillman of Camden Pension. who was a soldier from this state during the war of one hundred and eighty-two, be paid from the treasury the sum of one hundred dollars upon the passage of this act, and one hundred dollars per annum in annual payments thereafter during his lifetime.



2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCL.

An Act for the relief of Samuel V. Heins, of the  
of Morris, in the county of Morris.

Citizenship  
restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel V. Heins, of the county of Morris, in the county of Morris, be, and Samuel V. Heins is hereby restored to all his rights, privileges and franchises as a citizen of the State of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCLI.

A Further Supplement to an act entitled "An Act to incorporate the city of Hoboken."

Official newspaper.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the common council of the city of Hoboken shall designate two newspapers, which shall not be of the same political party, "one of each political party, which shall publish the proceedings of the council and board of education of said city, and such matters and things as are now required to be published by the



Hoboken, or by any amendment thereof or supplement to the same, at prices to be fixed by the common rates not exceeding those authorized by law for the publication of legal notices; *provided*, that said newspapers be published in the said city of Hoboken, and be authorized to publish the laws of this state.

*As it enacted*, That sections twenty and twenty-one of an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five, and which supplement was approved April sixth, eighteen hundred and seventy-one, be and the same are hereby repealed.

*As it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act are hereby repealed.

*As it enacted*, That this act shall take effect immediately.

March 19, 1872.

## CHAPTER CCLII.

Supplement to an act entitled "An Act to amend the Long Branch Police, Sanitary and Improvement Commission," approved April eleventh, eighteen hundred and sixty-seven.

*ENACTED by the Senate and General Assembly of New Jersey*, That it shall be lawful for the Long Branch Police Commissioners to appoint two police justices, each of whom shall give bond to said commissioners, in the sum of \$10,000 dollars, with freehold security, to be approved by said commissioners, and shall have and exercise, within the jurisdiction of said commissioners, the same power, and the same fees, as justices of the peace in this state; and the said police justices shall be courts of record, and the said police justices shall have full power to cause to be enforced all ordinances that may be made by said commissioners.

sioners, and all recognizances in criminal cases, taken before either of said justices, shall be sent forthwith to the court of general quarter sessions of the peace of the county of Monmouth.

Marshals empowered to arrest persons.

2. *And be it enacted*, That it shall be the duty of the marshals to preserve peace and good order, and they are hereby empowered to arrest any person violating any ordinance or regulation of said commissioners and to bring such person or persons before either of said justices who are hereby authorized and required to hear and investigate the charges preferred, which in all cases shall be preferred under oath or affirmation, and taken in writing before said justice and on conviction said justice shall inflict such punishment as to him shall seem just and proper in accordance with the ordinances and regulations of said commissioners, and shall enforce the same by his writ of commitment, directed to any marshal, commanding him to convey the offender to the common jail of the county of Monmouth, therein to remain and be kept and be detained as is provided for in said ordinances and regulations until such fine and costs are paid.

Jailor to receive and safely keep offenders.

3. *And be it enacted*, That the jailor of the county of Monmouth, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of the county by either of said police justices for the term of imprisonment expressed in the warrant of commitment, and the expenses of keeping offenders so committed for transgressions such as may not be crimes or misdemeanors, by the laws of this state, shall be borne and paid by the said commissioners, and in the case of offenders committed for crimes or misdemeanors, the expenses shall be paid as in cases of offenders in the county of Monmouth.

Actions to recover penalties.

4. *And be it enacted*, That in all actions for the recovery of any penalties created or imposed by the Long Branch commissioners, the record of the said commissioners shall be received as conclusive evidence of the passage of said ordinances recorded therein; and the publication of said ordinances for two successive weeks in one newspaper printed and published at or near Long Branch, in Monmouth county, shall in all cases be presumed to have been made, unless the contrary is proved.

Publication of ordinances.

Police justices may issue writs.

5. *And be it enacted*, That each police justice may issue writs in all matters and causes pending before him, award and

hpoena ad testificandum in any county of this

*be it enacted*, That every police justice shall be <sup>Powers of police Justice.</sup>  
 on oath or affirmation or affidavit, made accord-  
 and filed in his office, that any person or persons  
 been guilty of the violation of any of the ordi-  
 ed by the Long Branch commissioners, to issue a <sup>May issue process.</sup>  
 her in the nature of a warrant or a summons,  
 person or persons so charged, which process shall,  
 nature of a warrant, be returnable forthwith, and  
 nature of a summons be returnable in not less  
 ys nor more than fifteen days; that such process  
 that ordinance the defendant or defendants named  
 or have violated, and that on the return of such  
 at any time to which the justice shall adjourn the  
 aid justice shall proceed to hear testimony and to  
 nd give judgment in the matter without the filing  
 dings; and that the justice shall, if judgment be  
 gainst the detendant, forthwith issue execution  
 goods and chattels and person of the defendant  
 ts; *provided*, that nothing herein contained shall <sup>Proviso.</sup>  
 enforcement of the ordinances in the manner  
 e provided.

*be it enacted*, That no warrant, or process in the <sup>No warrant to be issued unless upon oath</sup>  
 warrant, shall be issued by a police justice against  
 or persons, for the violation of any ordinance or  
 unless upon oath or affirmation made before and  
 aid justice, establishing to his satisfaction, by one  
 ticulars therein mentioned, that such process is  
 e secure the due enforcement of such ordinance.

*be it enacted*, That every person against whom <sup>Persons may appeal.</sup>  
 ay be obtained under this act shall have the right  
 a common with the Long Branch commissioners,  
 er courts, as in case of civil suits before justices of

*be it enacted*, That it shall be the duty of the mar- <sup>Marshal to serve all processes.</sup>  
 ve all processes issued by a police justice, and re  
 me in the same manner, as near as may be, as  
 sued by justices of the peace are returned; said  
 all be entitled to receive the same fees for serving  
 es as constables are entitled to for like services.

*be it enacted*, That copies of any ordinances or of <sup>Certified copies to be evidence.</sup>  
 dings of the Long Branch commissioners, or of



any papers filed in their office, certified under the seal of the said commissioners and the hand of the said commissioners, shall be evidence of the same facts as the books of the said ordinances and proceedings or papers filed as aforesaid in all courts and places.

Actions and proceedings, how regulated

11. *And be it enacted*, That all actions and proceedings before a police justice, under the provisions of this act except as hereinbefore provided, be regulated by the provisions of and conducted in the manner prescribed in an act entitled "An Act constituting courts for the trial of causes," and the various supplements thereto.

No person deemed incompetent.

12. *And be it enacted*, That upon the trial of any cause upon judicial investigation of any fact, to which issue is given, by "The Long Branch Commissioners" or any party, or in which they may be interested, no person shall be deemed an incompetent judge, justice, witness or juror on reason of his being a taxpayer within the limits of the jurisdiction of the said "The Long Branch Commissioners."

Commissioners to make assessment of damages, &c., by laying out streets.

13. *And be it enacted*, That whenever application is made to the Long Branch commissioners by ten or more freeholders resident within the jurisdiction of said commissioners for the purpose of laying out any road, street or avenue, or altering, widening or straightening any existing road, street or avenue within the limits of their jurisdiction, the said commissioners shall, in the first place, if they approve of the application, cause a map to be made of the improvement proposed, which said map shall distinguish each lot of land through which said improvement may run or pass, and after said map shall have been filed with the said commissioners, they shall, as soon thereafter as possible, appoint five disinterested freeholders, who, or a majority of them, after taking an oath or affirmation to discharge the duties required of them under this act according to the best of their skill and understanding, shall make an assessment of the damages which will, in their opinion, be sustained by the owner or owners of such lands and real estate as may be necessary to be taken for such purposes, and shall award the damages as equitably as may be, upon the owner of the lands and real estate in or upon or in the neighborhood of said road, street or avenue which, in the opinion of the said freeholders, or a majority of them, will be benefited by the laying out, altering, widening or straightening of the same. The said freeholders, or a majority of them, shall make

under their hands, to the said commissioners, any days from date of their appointment; and in person shall consider himself or herself aggrieved Owners may appeal. assessment, he or they may appeal to said commissioners of their three subsequent regular meetings report shall be made as aforesaid; and the said persons shall, at their fourth regular meeting after said report shall be filed as aforesaid, adopt and ratify the said report or without alteration, as to them may seem just

*be it enacted*, That whenever any person shall be aggrieved to said "The Long Branch Commissioners," Proceedings in case of appeal.

and shall be dissatisfied with the determination of said commissioners, such person may thereupon commence an action against "The Long Branch Commissioners," in the court of Monmouth county, or the supreme court of New Jersey; *provided*, the trial shall be had in Proviso.

which action shall proceed in all things as if the plaintiff herein upon taking the real estate required for the same, had agreed in writing to pay the plaintiff the amount of damage awarded for taking the same as aforesaid; in said action said plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his costs according to law; and if he shall not recover the amount awarded, the defendants shall recover the costs against the plaintiff, and shall be entitled to the amount deducted from the amount recovered, and execution only for the balance, the assessment, if any, of the plaintiff being also deducted from the amount of the award; *provided always*, that no such action shall be brought by any person who shall have received payment of the amount awarded; nor unless said action shall be brought within six months after appeal to said commissioners as in the provisions of this act. Proviso.

*be it enacted*, That no road, street or avenue laid out under the provisions of this act shall be more than eighty feet wide. Width of roads and streets.

*be it enacted*, That the Long Branch Commissioners shall have power to license, regulate and restrain beer and wine in all places where malt liquors are sold; *provided*, that the provisions of an act entitled "An Act concerning Taverns," and the several supplements thereto, shall not apply to inns and taverns duly licensed under the provisions of an act entitled "An Act concerning Taverns," and the several supplements thereto. Power to license beer shops, &c. Proviso.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1872.

## CHAPTER CCLIII.

An Act to vest the title to certain real estate in the city of Paterson, late of Richard Kelly, deceased, in Abby Kelly, his widow.

Preamble.

WHEREAS, Richard Kelly, late of the city of Philadelphia in the state of Pennsylvania, died intestate, and left certain real estate in the city of Paterson, county of Passaic, and state of New Jersey, hereinafter described; and whereas, the said Richard Kelly left a widow, Abby Kelly, but no heirs at law him surviving, whereby the title to said real estate escheated to the state of New Jersey; and to the said widow's right of dower therein; and whereas, the said Abby Kelly did, with her own money, the proceeds of her own labor, make the first mortgage upon said real estate, although the deeds thereon were executed to her said husband alone; and did, subsequent to his, her said husband's death, with her own money, pay off the incumbrances thereon, not knowing that the said real estate had passed from her; now, therefore, in consideration of the aforesaid circumstances,

Right and title vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the right, title and interest in and to the following described tracts or parcels of land and premises situate in the city of Paterson, in the county of Passaic, and state of New Jersey, late of Richard Kelly, deceased, aforesaid, be and they are hereby absolutely vested in the said Abby Kelly, her heirs and assigns forever, to wit: a tract beginning at the east side of Pine street, at the distance of fifty feet northerly from the south side of Oliver street, running southerly along River street twenty-five feet; thence

Description of land.



from said street, one hundred feet; thence  
 parallel with Pine street, twenty-five feet; thence  
 one hundred feet, to the place of beginning, being  
 lot one, block G., on R. M. Bouton's lithograph-  
 second tract, beginning on the east side of  
 a point distant seventy-five feet southerly from  
 of Oliver street, running thence southerly  
 lot twenty-five feet; thence easterly, parallel  
 lot, one hundred feet; thence northerly twenty-  
 sold said Kelly twenty eighth of December,  
 eight hundred and fifty; thence westerly along  
 one hundred feet, to place of beginning, being known  
 lot fifty-three, block G., on R. M. Bouton's litho-

*enacted*, That this act shall take effect im-  
 mense  
 arch 19, 1872.

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#### CHAPTER CCLIV.

for the relief of William B. Weatherby.

*ACTED by the Senate and General Assembly of*  
*New Jersey*, That the treasurer of this state is <sup>Pension.</sup>  
 directed and required to pay to William B. Wea-  
 verington township, Burlington county, a soldier  
 of one thousand eight hundred and twelve,  
 one hundred dollars per annum during his natural  
 quarterly payments of twenty-five dollars each,  
 to be made May first, eighteen hundred and

*enacted*, That this act shall take effect imme-  
 arch 20, 1872.

## CHAPTER CCLV.

## An Act for the relief of Jane Thompson

Preamble.

WHEREAS, Joseph Thompson, late of the city of Essex county, New Jersey, departed this twenty-sixth day of April, eighteen hundred and nine, intestate and without issue, leaving Jane his widow, and no lawful heir who can inherit the same, which he died possessed, being a small house in said city of Newark; and whereas, the said Jane Thompson, by her labor and industry accumulated a considerable portion of the money which was used in the purchase of said house and lot, and in clearing the encumbrance thereon, and being advanced in life and dependent upon the small income arising therefrom for her support; therefore,

Title vested.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all the estate, right and interest of the said Joseph Thompson, deceased, in and to the following described lot and premises situate in the city of Newark, Essex county, New Jersey: beginning on the southerly side of Inness street (now or formerly) called Inness street, at a distance of one hundred and sixty feet north, sixty-two feet and forty minutes west from its intersection with the line of a street called Lock street, which streets are particularly designated on a map of the property called Inness Place, in the town (now city) of Newark, made by W. Brinley, surveyor; thence from said beginning along Inness street north, sixty-two degrees and thirty minutes west, thirty feet; thence in a line at right angles with Inness street, south twenty-eight degrees and thirty minutes, one hundred feet; thence in a line parallel with Inness street on a south-easterly course thirty feet; thence on a south-easterly course one hundred feet to the place of beginning, being lot number one hundred and nineteen on the above mentioned map, with the dimensions, being the lot hereinbefore mentioned,



est and estate of the state of New Jersey, said lot of land and appurtenances, be and by vested in the said Jane Thompson, her s, to her and their only proper use, benefit ver.

enacted, That this act shall take effect im-

rch 20, 1872.

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## CHAPTER CCLVI.

relief of Mary Alben, widow of Captain , late of Cumberland county, a sailor in the en hundred and twelve.

ETED by the Senate and General Assembly of no Jersey, That the treasurer of this state be Pension. y authorized and required to pay to Mrs. dow of Captain Samuel Alben, late of Cum- in this state, a sailor in the United States r of eighteen hundred and twelve, or to her one hundred dollars yearly, in semi-annual g the term of her natural life, and the first e made upon the approval of this act.

enacted, That this act shall take effect imme-

rch 20, 1872.

## CHAPTER CCLVII.

An Act respecting the opening of Delancey street in the city of Newark.

Preamble.

WHEREAS, James G. Barnet, Henry N. Parkhurst, H. Moore, Charles Merchant and James W. Commissioners appointed by the common council of Newark, to make an estimate and assess the damage sustained by the owners of the land necessary to be taken and appropriated for the opening of Delancey street, in said city, the provisions of an ordinance of said city, an ordinance to open Delancey street, from 1st to the Elm road," approved the eighth day of the year eighteen hundred and sixty-nine, their report of said estimate and assessment to the common council, which body did, on the first day of the year eighteen hundred and seventy-one, ratify the same; and whereas, the said commissioners did, unintentionally by mistake, omit and fail to estimate and assess the damage to be sustained by the owners of certain several tracts of lands and real estate included in and taken for said opening; and whereas, there are no provisions in the charter of said city, or any supplements thereto, providing for such assessment; and whereas, the public good and necessity, and justice to the last mentioned owners, requires that said commissioners be allowed to estimate and assess the damage to be sustained by the owners of said lands and real estate, and make a report thereof; therefore,

Authorized to assess damages in opening streets, and make report.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the said commissioners they are hereby directed, authorized and empowered to estimate and assess, in conformity, as near as may be, to the requirements of the charter of said city and the provisions thereof, respecting the estimate and assessment in the matter of street openings, the damage to be sustained by any owner or owners of any lands and real estate

said opening, and not named or included in assessment and report, and report the same to the said common council, for them, and that the said common council are empowered to ratify the same; and assessment, and supplemental report, when so legal, and as valid and effectual in law as been made in the first instance by said common council, and included in and formed a part of their said assessment and report; *provided*, that the said assessment, and supplemental report, shall be included in said estimate, assessment and report, shall have the same time in which to be made, from the date of the ratification of the same, as provided by law.

Report ratified to be valid

Proviso.

*enacted*, That said first estimate, assessment and supplemental report, by the said commissioners and ratified as valid, shall be in all respects legal, and as valid, effectual, in law as though no mistake, omission or error had been made by said commissioners, as aforesaid. *enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act. March 20, 1872.

First assessment declared valid.

## CHAPTER CCLVIII.

Amendment to the act entitled "An Act to revise the charter of the city of Newark," approved March 18, eighteen hundred and fifty-seven.

*enacted by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, lying at a point in the centre of Clinton avenue, and intersected by a line drawn through the centre of the same; thence running westerly along the centre line of the same to the centre line of Chadwick avenue, as laid out on the commissioners' map; thence southerly along the

Description.



Annexed to  
the fourteenth  
ward.

centre line of the Chadwick avenue to the line of ship; thence along the dividing line between the Clinton and the city of Newark, to the intersection with the centre line of Clinton avenue; thence the centre line of said Clinton avenue to the property line, comprising a certain portion of the Third ward of the city of Newark as the same is at present constituted, and the same is hereby annexed to the Fourth ward of the city of Newark, and shall hereafter constitute the said Fourteenth ward, and shall be subject to the provisions of the "Act creating the Fourteenth ward of the city of Newark," approved March twenty-eighth, one hundred and seventy-one, except so far as any provisions contained may be inconsistent herewith.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1872.

## CHAPTER CCLIX.

A Supplement to "An Act to facilitate the collection of taxes in the township of Cinnaminson in the county of Burlington," approved March sixteenth, one hundred and seventy.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the provisions of the "Act to facilitate the collection of taxes in the township of Cinnaminson, in the county of Burlington," approved March sixteenth, one thousand eight hundred and seventy, and the same are hereby extended, and are made to continue in force in the city of Beverly, and also in the township of Beverly, county of Burlington, for the years one hundred sixty-nine, seventy and seventy-one, and the council of said city shall be subject to all the provisions and duties of the township committee recited in the said act, which this is a supplement.

*It enacted*, That this act shall be deemed a public law, and shall take effect immediately.  
March 20, 1872.

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CHAPTER CCLX.

Supplement to an act entitled "An Act to make provisions for the sale of real estate, and to authorize sale for the same," approved March seventeenth, one thousand eight hundred and fifty-four.

*ENACTED by the Senate and General Assembly of New Jersey*, That all the real estate located in the townships of Mullica and Galloway, in the county of Mercer, which is owned by parties not residing in said townships, shall be liable to sale for the purposes of the act, and the several provisions thereof, to which this is a further supplement.  
*It enacted*, That this act be deemed a public law, and shall take effect immediately.  
March 20, 1872.

Lands of non-residents liable to sale for taxes.

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CHAPTER CCLXI.

Act relating to fees for impounding animals in the county of Bergen.

*ENACTED by the Senate and General Assembly of New Jersey*, That from and after the passage of this act, the several poundkeepers in the county of Bergen shall be and receive the sum of one dollar

Fees of poundkeepers, &c.

Proviso.

Repealer.

for each horse and head of cattle, twenty-five cents for each sheep, and fifty cents for each swine, to be paid of the poundkeeper, for letting in and out of kept by him; and the person bringing such an impounded shall also be entitled to receive the dollar and fifty cents for each horse and head, twenty-five cents for each sheep, and one dollar for each swine so brought by him; and for feeding and the poundkeeper shall be entitled to receive a further sum of one dollar for each horse and head and fifty cents for each sheep and swine, for every four hours they remain in the pound kept by him; further sum of two dollars for setting up advertisement of notice of sale, and for selling every such animal in the manner prescribed by law; *provided*, this act shall apply to such horses, cattle, sheep and swine as are running at large on the public roads, streets, lands, and not to those that may accidentally be in any inclosure.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 20, 1872.

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## CHAPTER CCLXII.

A Supplement to "An Act to facilitate the collection of taxes in the township of East Brunswick, in the county of Middlesex."

Act extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Act to facilitate the collection of taxes in the township of East Brunswick, in the county of Middlesex," be extended to the townships of Madison and South Brunswick, in the county of Middlesex.

*it enacted*, That this act shall be deemed a  
and shall take effect immediately.  
March 20, 1872.

### CHAPTER CCLXIII.

amending the act entitled "An Act for the  
raising money to construct and complete a pub-  
building in District Number Eleven, of Reading-  
ip, Hunterdon county."

mistake as to the number of the school district Preamble.  
aid act refers was made in the drafting of the  
e numbers having been changed, and the pre-  
er being seventy-one; therefore,

*ENACTED by the Senate and General Assembly of*  
*New Jersey*, That the word "eleven," wherever Word 'eleven'  
said act, and also in the title thereof and the stricken out,  
reto, be and the same is hereby stricken out, and and "seventy-  
of the words "seventy-one" inserted, wherever one" inserted.  
even" is stricken out.

*it enacted*, That the act entitled "An Act for Act to refer to  
of raising money to construct and complete a school district.  
building in District Number Eleven, of Read-  
ip, Hunterdon county," is applied to and shall  
to mean and refer to the school district at White  
n, in Readington township, Hunterdon county,  
ret C. Gearhart, William C. Bloom and William  
are at present trustees, and to no other, notwith-  
error as to the name thereof.

*it enacted*, That this act shall take effect imme-

March 20, 1872.



## CHAPTER CCLXVI.

A Further Supplement to the act entitled "An Act to incorporate the Montclair Railway Company," March eighteenth, anno domini, eighteen hundred and sixty-seven.

Authorized to  
deposit a sup-  
plementary  
survey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Montclair Railway Company be and is hereby authorized and empowered in the office of the secretary of state, a supplementary survey of any part or parts of the route or routes of said company, or the extension thereof, in the county of Passaic, for the purpose of straightening and improving the said route or routes, and the alignment thereof, and after the deposit as aforesaid of said supplementary survey, said company may construct and operate said way, and the extension or extensions thereof authorized by the act to incorporate said company and the several amendments thereto, the same as if said supplementary survey had been the original survey of such part or parts thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1872.

## CHAPTER CCLXVII.

An Act incorporating the Camden Light Artillery.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles G. Zimmerman, W. Starr, Elwood Cline, George A. Tenner, James Stevenson Leslie, George Hillman, Frank Turner



ghten, Christopher Tenner, Hiram Green, and such persons as may be hereafter associated with them, be y are hereby constituted and declared a body corpora politic, in fact and in law, by the name of "The Name. Light Artillery Company," and by that name they ir successors shall have perpetual succession, and shall ble of leasing, purchasing, selling, building and hold- estate in the city of Camden, in the county of Cam- the purpose of a hall or armory, and such other pur- said association shall deem expedient, subject to the and regulations of said association, to use and lease arts of hall or armory as shall not be necessary for and purpose aforesaid.

*and be it enacted*, That the capital stock of said corpo- Capital stock. shall be ten thousand dollars, with the liberty to in- to twenty thousand dollars, and shall be divided into of five dollars each, which shall be deemed personal y, and be transferable in such manner as the said as- n shall by their by-laws direct.

*and be it enacted*, That the above named persons, or a Commission- ers to receive subscriptions. y of them, shall be a commission to open books to re- subscriptions to the capital stock of said company at such times and place or places as they, or a majority of them, em proper; and they shall call a meeting of stock- to elect five directors, a majority of whom shall be Election of di- rectors. from the above named commissioners, and shall be ts of this state; and such elections may be made by ockholder as shall attend in person or by proxy, each f the stock entitling the holder thereof to one vote; d commissioners, or any three of them, shall be inspec- said corporation, and shall certify under their hands nes of those persons duly elected, and deliver over the bscription books and money paid in after deducting enses previously incurred, to the said directors; and e and place of holding the first meeting of said di- , shall be fixed by the persons named in the first sec- this act, or a majority of them; and the directors at such first election, and at the annual election ter, shall choose out of their number, a president, who e a resident of the city of Camden; and in case of resignation or removal of the president, or any of the rs, such vacancy or vacancies may be filled for the re- Vacancy, how filled. r of the year by the said board of directors or a

majority of them ; and in case of the absence of the president, the said board of directors or a majority of them appoint a president, *pro tempore*, who shall have such powers and functions as the by-laws of the corporation shall prescribe.

Installments,  
how paid.

Proviso.

May make by-  
laws.

Property ex-  
empt from  
taxation.

4. *And be it enacted*, That a majority of the directors shall be competent to transact all business of said corporation, to call in the remaining stock of said corporation in installments or otherwise, at such times as they may determine, giving thirty days' previous notice in a newspaper published in the city of Camden ; *provided*, that no two installments shall be called within thirty days of each other, and that they have power to forfeit, in case of non-payment of said installments, the share or shares upon which such default shall be made, and may and shall, by its board of directors, be enabled of securing and holding any devise, bequest, or donation which may be made to it, and may borrow money on the mortgage or pledge of the property of the association.

5. *And be it enacted*, That said board of directors shall have power to make such by-laws, rules, and regulations as may be deemed necessary, not incompatible with the laws of the United States or of this state, as may be deemed necessary for the management of its affairs, and the same to change or alter from time to time.

6. *And be it enacted*, That the property of said Company, Light Artillery Company shall be exempt from tax.

7. *And be it enacted*, That this act shall be deemed a public act, and shall go into effect immediately.

Approved March 20, 1872.

## CHAPTER CCLXVIII.

Supplement to "An Act to incorporate the town of Union, in the township of Union, in the county of Essex," approved March twenty-ninth, eighteen hundred and seventy-four.

BE ENACTED by the Senate and General Assembly of the State of New Jersey, That hereafter the town treasurer shall receive a salary not exceeding three hundred dollars a year, to be fixed by the council, and it shall be the duty of the treasurer immediately on the receipt of any of the town money from either the collector of taxes, or collector of other money from any other source, to deposit two-thirds of the same in the Hoboken City Savings Bank, or such other bank as the board of council shall designate, there to remain until such time as it may be necessary to draw thereon in defraying the expenses of said town, and the interest accumulating thereon shall be paid into the incidental fund of said town; that the collector of taxes, and the town clerk shall each receive a salary not exceeding three hundred dollars per annum, to be fixed by said council; the corporation attorney shall receive a salary not exceeding five hundred dollars per annum, to be fixed by the council; the members of the board of council shall hereafter be entitled to receive each, for each regular meeting held by said board, the sum of

Treasurer to deposit money

Compensation of officers.

That the act providing for the election of a street commissioner is hereby repealed, and that hereafter the street commissioner shall be appointed by the council of said town for the term of one year from the first of January next, and every year, the duties of said commissioner shall be prescribed by ordinance of the board of council, and his salary to be one hundred dollars per annum.

Appointment and compensation of street commissioner.

BE it enacted, That the commissioners heretofore appointed by the council of said town of Union to assess the expenses for the improvement of Gardner street



Commissioners to assess costs and expenses for improvement of Gardner street and Durham avenue.

and Durham avenue are hereby discharged, and the ment by them made shall be for nothing holden, and said council shall upon the completion of said improvement appoint three disinterested commissioners, non-resident town of Union, whose duty it shall be (having first taken and subscribed an oath, or affirmation, before some person authorized to administer an oath, faithfully and impartially to execute the duties of their office), to assess the costs and expenses thereof, said assessment to be made in the manner as is now provided by the charter of said town and the supplements thereto, and the amendatory act, approved February twenty-eighth, eighteen hundred and sixty-six, except that it shall be the duty of said commissioners to assess a proportionate share of the costs and expenses of said improvement on the land and real estate in said town benefited thereby, by reason of the drainage of said land and real estate.

Repenier.

4. *And be it enacted*, That all acts or parts of laws inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved March 20, 1872.

## CHAPTER CCLXIX.

An Act to incorporate Welcome Lodge, Number One Hundred and Eighty-five, of the Independent Order of Templars, of the state of New Jersey, located at Plainfield.

Corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Rev. J. R. Bryan, B. J. Vanderdonk, D. L. Hulick, George McGinnis, Peter Van C. H. Bryan, and their associates, officers and members of Welcome Lodge, Number One Hundred and Eighty-five, of the Independent Order of Good Templars, of the state of New Jersey, and their successors, be and they are hereby constituted and declared to be a body corporate and

the name, style and title of "Welcome Lodge, <sup>Name and powers.</sup>  
 the Hundred and Eighty-five, of the Independent  
 Good Templars, of the State of New Jersey," and  
 that they and their successors shall and may, at all  
 times, be capable in law of having, purchasing,  
 possessing any lands, tenements, hereditaments  
 real estate, purchased, devised or bequeathed by any  
 persons, body corporate or politic, capable of  
 the same, and also to have a common seal and use  
 the same at pleasure; *provided always*, that the said cor- <sup>Proviso.</sup>  
 porate body politic shall not at any time hold or possess  
 real estate, personal or mixed, exceeding in value the sum  
 of one thousand dollars.

*Be it enacted*, That this act shall take effect imme-

diately on and after the first day of  
 March 20, 1872.

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## CHAPTER CCLXX.

to incorporate the Woodside Rowing Club.

*ENACTED by the Senate and General Assembly of*  
*the State of New Jersey*, That Joshua Hendricks, Peter <sup>Corporators.</sup>  
 George G. Nevers, Joseph G. Hill, Joseph A. Drey-  
 er, T. Field, Edwin Benson, R. Smith Carter, Dan-  
 iel Henry S. Magrane, J. Edward Russell, and such  
 persons as are now or may hereafter be associated with  
 them, and they are hereby constituted and declared a body  
 corporate and in law, by the name of "The Woodside <sup>Name and powers.</sup>  
 Rowing Club," and by that name they and their successors  
 shall have perpetual succession, and be capable of suing and  
 being sued, pleading and being impleaded, answering and  
 being answered, defending and being defended in all  
 courts whatsoever places, and may have a common seal,  
 and alter the same at pleasure; and that they  
 and their successors, by the said name, shall be capable in  
 law of any estate, real or personal, either by devise,

purchase, donation, or otherwise, to the use of them or their successors, and to lease, sell and convey, or otherwise dispose of the same, as to them shall seem most advantageous for promoting the purposes of their incorporation. The yearly income of such estate shall not exceed the sum of twenty-five hundred dollars.

Object.

2. *And be it enacted*, That the object of this incorporation shall be to encourage and promote the art and exercise of rowing, and other out door athletic sports.

May purchase and hold real estate.

3. *And be it enacted*, That the estate and funds of said corporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, so far as they may deem it necessary to apply their funds to the purpose of holding and purchasing of any real estate, and erecting any buildings thereon for the benefit and accommodation of the members of said corporation, or for the chase, lease or construction of any wharves, docks, or other buildings, as may be deemed necessary to carry out the objects of said incorporation, which said real estate they may sell or lease, as the interests of the corporation may require.

May make by-laws.

4. *And be it enacted*, That the said corporation shall have power, from time to time, to make and establish such constitution, by-laws, rules and regulations as they shall deem proper for the election of officers; for prescribing the respective functions, and the mode of discharging the duties of the same; for the government of the officers and members thereof; for imposing and collecting admission fees and contributions from the members; for regulating the time and place of meetings, which constitution and by-laws shall not be repugnant to the constitution and laws of the United States, or of this state, and which they may, from time to time, alter and repeal; and they shall have power in their corporate name to institute suits for the recovery of their debts, dues and arrearages due the said corporation.

Where located

5. *And be it enacted*, That the said corporation shall be located in the city of Newark, or at some convenient place in the counties of Essex or Hudson: and that the persons named in the first section shall be the first directors of said corporation, and shall continue in office until the first day in March next, and until others are elected in their stead.

Election of directors.

6. *And be it enacted*, That the directors of said corporation shall consist of eleven in number, who shall



first Thursday of March, at such time and such notice as said by-laws may fix ; that all be by ballot, and that each member shall be vote, which must be given in person ; and if, any cause, it shall happen that no election made at the time herein appointed, the di-time being shall continue in office until an- larly held, according to the requirements of that behalf or of this act ; and that in any tors the persons having or receiving the great- otes shall be directors, and shall continue in successors are elected.

*enacted*, That the legislature reserve the right Act may be repealed. hereafter, to alter, repeal, or modify this act.

*enacted*, That this act shall take effect imme-

rch 20, 1872.

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## CHAPTER CCLXXI.

to an act entitled "An Act to incorporate Mutual Fire, Marine and Steam Boiler In-pany," approved March twenty-fifth, eigh- and sixty-nine.

*ACTED by the Senate and General Assembly of New Jersey*, That the said "The Citizens' Change of name. Marine and Steam Boiler Insurance Company," be known and designated by the name of Insurance Company, of Newark," New Jer- that name and style have and exercise all privileges conferred by the act to which this, and liable to all the duties and obligations ed.

*enacted*, That the said "The Citizens' In- May increase capital stock. ny, of Newark, New Jersey," may increase

their capital stock to an amount not exceeding f  
thousand dollars.

3. *And be it enacted*, That this act shall take  
diately.

Approved March 20, 1872.

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## CHAPTER CCLXXII.

### An Act to incorporate the Forked River Cranber

1. BE IT ENACTED *by the Senate and General*  
*the State of New Jersey*, That Thomas W. Ivins,  
Corporators. enburgh, Augustus G. Richey, William S. S  
Daniel L Platt, and all such persons as may  
associated with them, their successors and ass  
they are hereby constituted a body politic and  
Name and fact and in law, by the name of "The Forked  
powers. berry Company," for the purpose of buying, h  
vating and improving lands in the county of O  
raising and selling cranberries and other fruit  
produce of said lands, and carrying on the l  
nected therewith, and erecting such buildings  
such personal property as may be necessary t  
that they and their successors, by the same na  
and dispose of the said lands, tenements and h  
cranberries, produce, fruits, goods and chattels  
thereof, and may lay, open, make and main  
drains and embankments through their own a  
and contiguous lands, as they may deem for t  
said lands; and for such purposes the said com  
may raise by subscription, by opening the book  
otherwise, a capital stock of four thousand  
liberty to increase the same to forty thousand d  
shall be divided into shares of one hundred dol  
Board of direc- 2. *And be it enacted*, That the affairs of sai  
tors to man- shall be managed by a board of five directors,  
age affairs. shall be president, and a majority of whom s



the board, and they shall hold their office for  
 as long as others are elected in their stead, and shall  
 make by-laws for the government and manage-  
 ment of the corporation, and shall hold their meetings at  
 such places in this state as the by-laws may pro-  
 vide. Until an election for directors shall be held,  
 the provisions in the first section of this act shall be  
 in force. In case a vacancy shall occur in the board of  
 directors, by death, resignation, or a failure of the stock-  
 holders to elect the full number authorized by this act, the  
 directors for the time being, or a majority of them,  
 shall fill such vacancy by the appointment of

Vacancies,  
 how filled.

*enacted*, That the stock of said corporation shall be  
 personal estate, and shall be transferable in  
 accordance with the by-laws may prescribe; but no dividends  
 shall be paid to the stockholders except from the net profits  
 of the corporation, and that regular books of account of the  
 corporation shall be kept, to which every stockholder shall  
 have access at reasonable times for the purpose of in-  
 specting the same. Their principal office shall be in the county  
 of the state.

Stock, how  
 transferable.

*enacted*, That the said company may be dissolved  
 by a special meeting of the stockholders, specially  
 called for that purpose; *provided*, that at least three-fourths  
 of the stockholders shall concur therein; and upon  
 the vote of the directors for the time being, and the  
 majority of them, or such persons as the said  
 directors shall appoint, shall be trustees for the settling  
 up of the company, collecting and disposing of its  
 assets, paying its debts, and dividing the surplus  
 among the stockholders in proportion to their respective in-  
 terests.

How dissolved

Proviso.

*enacted*, That the said corporation shall have all the  
 powers and be subject to the general di-  
 rections and provisions set forth in "An Act concerning  
 corporations," approved February fourteenth, eighteen hun-  
 dred and seventy, so far as the same are applicable.

General pow-  
 ers

*enacted*, That this act shall take effect imme-  
 diately.

March 20, 1872.

CHAPTER CCLXXIII.

**An Act to extend the provisions of an act en-**  
**to authorize and empower the Minister, Eld-**  
**of the Reformed Congregation, of Hack-**  
**county of Bergen, in the State of New J-**  
**the pews in said Church," approved April**  
**hundred and seventy-one, to the Minis-**  
**Deacons of the Reformed Church, of Pa-**  
**county, New Jersey.**

1. BE IT ENACTED *by the Senate and Gen-  
Act extended.* the State of New Jersey, That the act entitled  
authorize and empower the Minister, Elders  
the Reformed Congregation, of Hackensack,  
Bergen, in the state of New Jersey, to ass-  
said Church," approved April fourth, eight-  
seventy-one, with all the power and authority  
be and the same is hereby extended to the  
and deacons of the Reformed Church, of F-  
county, New Jersey.

2. And be it enacted, That this act shall  
and shall take effect immediately.  
Approved March 20, 1872.

CHAPTER CCLXXIV.

An Act to enable the Trustees of the L  
School Association to convey real

**Preamble.** WHEREAS, by deed of conveyance bearing date of April, in the year one thousand eight hundred and thirty-three, William Edgar and Phebe, his wife,

aneway and others, as trustees of the Lees-  
 school Association, and to their successors in  
 lot or tract of land and premises situate in  
 ship of Woodbridge, in the county of Mid-  
 ate of New Jersey, and particularly de-  
 aid deed, which is duly recorded in Middle-  
 's office in Book twenty-six of Deeds, pages  
 d six and two hundred and seven, which  
 ct of land was conveyed to and held by  
 r the use of the said association, and by  
 id deed the said trustees or their succes-  
 ave power to sell and convey the said pro-  
 ith the consent of two thirds of the members  
 ociation; and whereas, the said association  
 ed society under the laws of this state, by  
 The Trustees of the Leesville Sunday  
 ion;" and whereas, the said "The Trustees  
 Sunday School Association" are desirous  
 conveying said land and premises, and two-  
 members of the said association have con-  
 ale thereof; and whereas, in consequence  
 several trustees named in said deed, doubts  
 to the ability of the said association to  
 d valid title to said lot or tract of land and  
 efore,

ED by the Senate and General Assembly of

Jersey, That the said "The Trustees of  
 Sunday School Association" be and they are  
 and empowered to sell and convey the  
 racts of land and premises conveyed to the  
 aneway and others, as trustees aforesaid,  
 recited, or any part thereof, to such person  
 or such consideration as they may deem  
 ke, execute and deliver to the purchaser or  
 f, under the common seal of the said as-  
 and sufficient deed or deeds therefor, which  
 ll convey to and vest in the said purchaser  
 ood and valid title in fee simple to said  
 discharged of and from any use or trust

Trustees em-  
 powered to  
 sell and con-  
 vey lands.

acted, That this act shall be deemed a pub-  
 take effect immediately.  
 h 20, 1872.

## CHAPTER CCLXXV

A Supplement to an act entitled "An Act to amend an act entitled 'An Act to incorporate the New Egypt and Manchester Turnpike Company,' approved April ninth, eighteen hundred and eighty-two."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for completing said road is hereby extended to the fourth day of July, eighteen hundred and eighty-two.  
Approved March 20, 1872.

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## CHAPTER CCLXXV

A Supplement to an act entitled "An Act to incorporate the Ocean Agricultural Railroad Company," approved March twentieth, eighteen hundred and eighty-two."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for completing the said road is hereby extended to the fourth day of July, eighteen hundred and eighty-two.  
Approved March 20, 1872.



## CHAPTER CCLXXVII.

empt from borough taxation the stock and pro-  
 vider companies who may hereafter supply the  
 Millersburgh with water.

ENACTED *by the Senate and General Assembly of  
 New Jersey*, That for the purpose of promoting Property of  
 water works  
 exempt from  
 taxation.  
 of works to supply the inhabitants of the town of  
 , in the county of Warren, with water for the  
 factories and for the extinguishment of fires,  
 d property of all water works hereafter erected  
 nits of said town shall be exempt from borough  
 no such works shall be erected without the con-  
 mon council of said town.

*it enacted*, That this act shall be deemed and  
 ublic act, and shall go into effect immediately.

March 20, 1872.

## CHAPTER CCLXXVIII.

nt to an act entitled "An Act to incorporate the  
 Cemetery Association, of the city of Newark,"  
 February ninth, eighteen hundred and sixty-five.

ENACTED *by the Senate and General Assembly  
 of New Jersey*, That the Fairmount Cemetery May sell lands  
 and apply pro-  
 ceeds.  
 of the city of Newark, is hereby empowered to  
 e and exchange its lands, and any lands adjoin-  
 ses, for the purpose of straightening its lines,  
 d dispose of such parts of its land as have not  
 into burying lots, and appropriate the proceeds

received therefrom in paying the debts and liabilities of said association and improving the cemetery.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1872.

## CHAPTER CCLXXIX.

An Act to enable the trustees of the St. George's Episcopal Church, of Passaic, New Jersey, to sell the mortgage property; also to legalize the sale of the said church property heretofore made.

### Preamble.

WHEREAS, the St George's Methodist Episcopal Church, of Passaic, New Jersey, are engaged in the erection of a new place of worship; and whereas, it is desirable to sell the old church edifice and the lot or curtilage adjacent thereto, and stands, and another lot, known as the parsonage lot, in paying for the new building: and whereas, it is desirable to mortgage or sell some part or all of the said real estate.

### Trustees authorized to sell, convey and mortgage real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the St. George's Methodist Episcopal Church, of the village of Passaic county, New Jersey, are hereby empowered and authorized to sell, either at public or private sale, all or any parts of the real estate now held by them, as they may deem expedient, and to make and deliver to the purchasers a good and sufficient deed or deeds for the same, in which the whole title of said corporation shall be conveyed to the purchaser or purchasers free and clear; and the trustees are empowered and authorized to mortgage any part of the real estate held by them, when in their opinion it is expedient so to do.

### Proceeds, how applied.

2. *And be it enacted*, That the proceeds of the sale of the real estate, or sales, or mortgage or mortgages, shall be

l in paying for the new building now erecting,  
 er purpose as the said trustees shall determine.  
*it enacted*, That a conveyance of a part of said Conveyance  
legalized.  
 rty, made by said trustees on August fourth,  
 dred and sixty-eight, to Susan A. Jenkins, is  
 ed.  
*it enacted*, That this act shall be deemed a  
 d shall take effect immediately.  
 March 28, 1872.

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## CHAPTER CCLXXX.

orporate the Perry, Packard Lumber Company.

*enacted by the Senate and General Assembly of  
 New Jersey*, That James A. Perry, Oren Pack- Corporators.  
 Scholfield, Anson G. P. Dodge, and Samuel  
 d such others as may be associated with them,  
 essionors, are hereby declared to be a body poli-  
 rate in law, by the name of "The Perry, Pack- Name.  
 Company," and as such shall possess and exer-  
 ary powers of corporations for the purposes of

*it enacted*. That the objects of said company Principal of-  
fice.  
 ealing and working in lumber in all its branch-  
 urchasing and selling of all kinds of wood and  
 he manufacturing of the same, and of different  
 the same, for builders and others; the princi-  
 aid company shall be in the city of Camden,  
 where the meeting of the stockholders and di-  
 e held, its books and papers kept, and its busi-  
 ed.

*it enacted*, That the said corporation may pur- May purchase  
hold and con-  
vey lands.  
 ld, possess and enjoy real estate, and shall have  
 l upon and improve, and also to lease, convey  
 age the same, and to receive, take and assign  
 or mortgages, whether the same be taken in



payment or part payment of any real estate sold, not, and may also hold, assign, sell and conveyance or mortgages, or any real estate that may be taken by them, or which shall hereafter have been taken to them, and may sell, mortgage, lease, or otherwise dispose of the same, at their pleasure; and may sue and be sued, and may plead and be impleaded, and may have a common law or equity, and may change or alter the same at their pleasure, and may make such by-laws for their regulation and government as they shall think proper; *provided*, the same are consistent with the constitution and laws of the United States or of this state.

Proviso.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the corporation shall be two hundred thousand dollars, the shares of one hundred dollars each, and the capital upon which they shall commence business shall be one hundred thousand dollars, of which the stock already paid for shall be deemed and taken as part, and the balance shall be deemed personal property, and shall be held in such manner as the said corporation shall determine, and shall and may be lawful for the said corporation to increase by a vote of a majority of the stockholders to the same to three hundred thousand dollars.

Affairs, how managed.

5. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by not more than three, nor more than seven directors, one of whom shall be elected president, and said directors shall be stockholders in said corporation, and shall hold office for one year, and until others shall be chosen in their places; said election of said directors shall be at the annual meeting of said stockholders to be elected on the day and hour of said day, and at such place as the directors of the said corporation shall direct, and until the next election shall take place, the persons named in the provision of this act, with such others, being stockholders, shall appoint, shall be directors of said corporation, and a majority of the directors, shall on all occasions when called together at such time and place as the by-laws shall prescribe, constitute a body to transact business; and all business that may come before them shall be decided by a majority of vote. In case any vacancy shall occur in the board of directors by death, resignation or failure of the stockholder, the full number authorized by this act, the remaini

Vacancies, how filled.



being, or a majority of them, shall have power to fill any vacancy by the appointment of any stockholder.

*be it enacted*, That the said directors shall submit Statement to be made. to the stockholders, at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of the capital stock paid in, the amount of money due to the corporation, and the amount of all assets and liabilities belonging to said corporation, as nearly as the same can be ascertained.

*be it enacted*, That dividends of so much of the Dividends. profits of said corporation as the directors may think advisable may be declared in the months of January and July of each year, to be paid to the stockholders or their legal representatives at any time, on demand, after the expiration of ten days after the same shall have been so declared.

*be it enacted*, That in case it shall happen that an Failure to elect not to dissolve. election of directors shall not be made upon the day designated in this act for that purpose, the said corporation shall nevertheless be deemed to be dissolved, but the stockholders may provide for an election for directors on any other day, ten days after the time being given of the time and place of such election.

*be it enacted*, That books of account shall be kept Books of account to be kept. by said corporation, to which any stockholder may have access at all reasonable times for the purpose of examining the same, and that books of transfer of the stock shall be kept, and shall be evidence of the ownership of said stock, and of all transactions and other matters submitted to the decision of the stockholders of said corporation.

*and be it enacted*, That this act shall take effect as soon Act when to take effect. as the said "The Perry, Packard Company," at a meeting of the stockholders called for that purpose, shall, by a resolution, signify their acceptance thereof as the charter of said company; and that this act shall continue in force for fifty years; Proviso. and provided, that nothing in this act contained shall be construed to alter or impair the rights, liabilities and contracts of the said company under its present organization, but that the corporation hereby created shall possess the same powers, and be subject to the restrictions, provisions, limitations and obligations set forth in an act entitled "An Act concerning corporations," approved February 10, anno domini eighteen hundred and forty-six, and amendments to said act, so far as the same are applicable.

11. *And be it enacted*, That this act shall take effect  
diately.

Approved March 20, 1872.

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CHAPTER CCLXXXI.

An Act to incorporate the Saint Patrick's Total Ab-  
Benevolent Society, of Passaic, New Jersey.

Preamble.

WHEREAS, a number of the inhabitants of the village  
saic, county of Passaic, and state of New Jersey,  
formed themselves into an association or society,  
they have given the name of "The Saint Patrick's  
Abstinence Benevolent Society, of Passaic, New Jersey,"  
the object of which is to create a fund to be applied  
the relief or support of such members thereof as shall  
sickness, accident or bodily infirmity, or other cause  
rendered incapable of attending to their usual occupa-  
or calling, and also towards the decent interment of  
ceased members; and whereas, it is believed that  
of incorporation will promote the objects of the society,  
add to the security of its property; therefore,

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly*  
*of the State of New Jersey*, That Thomas Meade, Thomas  
Michael Beirne, Moses Mulchinock, Timothy Hegarty,  
Frain, Michael King, Patrick Williams, Michael  
Michael Watters, John Syms, Thomas Momion, and  
other persons as now are or shall hereafter become  
of said society, be and they are hereby constituted  
declared to be a body politic and corporate, in fact and  
by the name, style and title of "The Saint Patrick's  
Abstinence Benevolent Society, of Passaic, New Jersey,"  
and by that name they and their successors shall have  
tinued succession, and be persons in law capable of suing  
being sued, pleading and being impleaded, answering  
being answered unto, defending and being defended in  
courts of law and equity whatsoever, in all manner of

Name and  
powers.

ters, complaints and causes whatsoever; and that their successors may have and use a common seal, have power to change and alter the same at pleasure by their name aforesaid, and under their common make, enter into, form and execute any contracts and agreements relating to, touching or concerning the objects of the said incorporation.

*And be it enacted*, That for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vice president, secretary, assistant secretary, treasurer, and such other officers and assistants as shall be necessary, who shall be elected annually by ballot of the majority of the members present at the annual meeting of the said society, to be held in March of each and every year; and three stewards, who shall be appointed every month by the majority of the members present, to sign the names of their names on the roll (excepting the president, secretary, assistant secretary and treasurer) shall act in the capacity of investigating com-  
Officers.

*And be it enacted*, That the estate and property, of whatever nature the same may be, now or hereafter held by the said society, shall be vested in the body corporate and politic created, which said body politic and corporate shall, from time to time and title aforesaid, be able and capable in law to receive, take, hold and convey, for the use and benefit of the said society, and for the purposes expressed in the provisions of this act, any lands, tenements, hereditaments, or other sums of money, rights, goods, securities and chattels, and to give, sell, transfer, alienate, or otherwise dispose of the same, by gift, alienation, devise, bequest, or otherwise, of any persons, bodies corporate or politic, legally authorized to make the same; *provided*, that the clear yearly value of the real and personal estate of said society shall not exceed the sum of five thousand dollars.  
May hold real estate.

*And be it enacted*, That the said corporation be and the same be hereby authorized and empowered to make, adopt and from time to time to alter, amend or change, as may be deemed expedient, such general form of a constitution and by-laws, for the transaction of business, and for the purposes of the society aforesaid, as by the majority of the members present, duly met, shall be deemed right and proper; *provided*, that nothing in the constitution or by-laws be repugnant to the constitution and laws of the United States or of this state.  
May make by-laws, &c. Proviso.



Object.

5. *And be it enacted*, That the sole and exclusive of the society hereby incorporated shall be the respective members, when sick, or disabled by infirmities or accidents, from pursuing their ordinary occupations, the payment of the expenses incident to the interment of deceased members, and such other necessary expenses as shall accrue by carrying into effect the provisions forth in the preamble, and in this and the foregoing of this act, and no part of the funds of said corporation be used in banking purposes, or in any other way, provided for by this act.

Not to be  
used in bank-  
ing purposes.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1872.

## CHAPTER CCLXXXII.

An Act to incorporate the Widows' and Orphans' Association, of the city of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Kuhn, Mayer, Benedict Prieth, Theodore Horn, George C. Julius Stapff, Gottfried Krueger, John Brustman, Sanerbiere, John G. Burger, Frederick Reynold, and other persons as now are or hereafter may be associated with them and their successors, shall be and are hereby constituted a body corporate by the name of "The Widows' and Orphans' Benevolent Association, of the City of Newark, New Jersey," and by that name they and their successors may have perpetual succession; and by their officers under their seal may make, enter into, form and execute contracts or agreements relating to the objects of the association.

Name.

Object.

2. *And be it enacted*, That the object of this act is to afford relief to its members in case of sickness, distress, accident or infirmity, aiding in the burial of

contributing to the maintenance and education of the poor, and widows and orphans generally.

*it enacted*, That the said corporation shall have <sup>May adopt by-laws.</sup> the power to adopt a code of by-laws for the management of its internal business, and election of officers, who shall consist of a president, treasurer and secretary.

*it enacted*, That the said corporation may hold <sup>May have and hold real estate.</sup> real estate, either purchased or devised.

*it enacted*, That the said corporation shall <sup>General powers.</sup> have all the powers and privileges, and be subject to all the liabilities contained in the act entitled "An act to incorporate corporations," approved February fourteenth, one thousand eight hundred and forty six, and the various supplements thereto.

*it enacted*, That this act shall take effect immediately.

March 20, 1872.

## CHAPTER CCLXXXIII.

For the relief of the German Valley Village Rural Cemetery, in the county of Morris.

*ENACTED by the Senate and General Assembly of New Jersey*, That the trustees of the German Valley Village Rural Cemetery, in the county of Morris, are authorized and empowered to sell, either at public or private sale, such part or parts of the real estate now held by the said trustees as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed for which the whole title of said corporation shall be bound, free and clear and absolutely discharged of all trusts whatsoever, upon which the same now have been held.

*it enacted*, That the proceeds of the said sale <sup>Proceeds, how invested.</sup> shall be invested by the said trustees, either in the purchase of real estate or in any other mode of investment.

purchase of other real estate for the use of said or for such other use as the said trustees shall

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1872.

#### CHAPTER CCLXXXIV.

An Act to incorporate the Cranford and Rahway Railroad Company.

**Corporators.** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John Woodruff, Ayres, Wm. E. Bloodgood, James C. Blake, George Sylvester Cahill, Alden B. Bigelow, John Cranford, P. Scudder and such other persons as may be associated with them, shall be and are hereby constituted, and declared a body politic and corporate in and in law by the name of "The Cranford and Rahway Horse Railroad Company," and by that name capable of purchasing, holding and conveying land and real estate, goods and chattels necessary for the object of said corporation.

**Amount of capital stock.** 2. *And be it enacted*, That the amount of capital stock of said corporation shall be fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be payable in such manner as the said corporation may by-laws direct.

**Commissioners to receive subscriptions.** 3. *And be it enacted*, That the above named majority of them shall be commissioners to receive subscriptions to the capital stock of said corporation at such time or times, and place or places in the City of Rahway, or township of Cranford, as they, or a majority of them think proper, giving at least twenty days



one or more newspapers published in the city of  
 and at the time of subscribing ten per centum of  
 each share subscribed, shall be paid to the com-  
 or one of them; and as soon as thirty thousand  
 the capital stock shall be subscribed, said commis-  
 give like notice for a meeting of the stockholders  
 seven directors, a majority of whom shall be  
 this state, and citizens thereof, and such elec-  
 made at the time and place appointed, by such  
 holders as shall attend for the purpose, either in  
 y proxy, each share of the capital stock entitling  
 thereof to one vote; and the above named persons,  
 e of them, shall be inspectors of the first election  
 in the said corporation, and shall certify under  
 the names of the persons duly elected, and de-  
 the subscription books and all moneys paid in  
 cting all expenses previously incurred), to such  
 elected, and annually after said first election of  
 t a time and place to be fixed by the by-laws of  
 ation, there shall be a meeting of the stockholders  
 seven directors, a majority of whom shall be  
 this state, which election shall be conducted in ac-  
 with the rules fixed by the by-laws of said corpora-  
 which directors shall hold their offices for one year  
 being so chosen.

*be it enacted*, That in case it shall happen that an  
 directors should not be held, upon the day when  
 this act it ought to be held, the said corporation  
 or that cause be deemed to be dissolved, but such  
 ay be held at any other time, giving ten days'  
 e manner provided by law, and the directors for  
 ing, shall continue in office until others shall have  
 in their place; and in case of the death, resigna-  
 oval of any director during the year for which he  
 een chosen, such vacancy may be filled by the re-  
 ctors, or a majority of them.

*be it enacted*, That five directors of said corpora-  
 e competent to transact all business of said cor-  
 shall have power to call in the capital stock of said  
 , to be paid by such installments, and at such  
 ey may direct, and in case of the non-payment  
 tallments or any of them, to forfeit the share or  
 which such default shall arise, or, at their option,

Election of di-  
rectors.

Failure to  
elect directors  
not to dissolve

Failure to pay  
subscriptions  
to work for-  
feiture.

to sue for and recover the installments due and make such by-laws, rules and regulations as proper concerning the business of said corporation appoint such officers, clerks and servants, and pay such salaries and wages as to them shall seem proper.

Authorized to  
construct rail-  
road.

6. *And be it enacted*, That said corporation have power and authority to lay down and construct with the necessary turnouts and switches, from the city of Rahway, near the principal station of the Jersey Railroad and Transportation Company, to such streets and highways, already laid out, or to be laid out, in the city of Rahway and the townships of Cranford, as they shall deem proper, to some point in the township of Cranford, near the station of the Central Railroad of New Jersey, to some point in the township of Cranford, *provided*, that the right to construct said railroad shall not vest in any of the streets or roads within the city of Rahway until the consent of the corporation of Rahway shall be first had and obtained of the city.

Proviso.

Track to be  
laid level with  
surface of  
streets.

7. *And be it enacted*, That the track laid by said corporation, shall be of the same width as the wagon track established by law, and the same shall be laid in, or near, the surface of said streets, and in conformity with the grade which now are, or hereafter may be established by the principal authority of said city; and in all cases the track shall be so laid as to present no unnecessary obstructions to, or in any way interfere with the wagon vehicles turning in, or crossing said streets or roads, or over which said road or its turnouts or switches shall be laid.

May purchase,  
hold and pos-  
sess real es-  
tate.

8. *And be it enacted*, That the said corporation have and hold real estate at each terminus of said road, and at such places not exceeding five, along the road, as they may desire, not, however, exceeding one acre at each place, or thirty acres in the aggregate, and build thereon houses, depots, warehouses, machine shops, and such other buildings and improvements as may be necessary for carrying out the objects of said corporation.

Dividends.

9. *And be it enacted*, That the president and directors of said corporation shall declare and make such



prudent and proper from time to time, out of  
of the said railroad.

*it enacted*, That the president and directors May purchase  
equipments.  
ation shall have power to purchase, or to have  
th the funds of said corporation, all such ma-  
vagons, or other vehicles for the transportation  
property on their railroad as they may think  
or right; and also to purchase such horses or  
shall deem fit for the purpose of said corpora-  
, *however*, that no steam power shall be used Proviso.  
power upon said railroad; and that they are  
ized to demand and receive such sum or sums  
the transfer of persons or property upon said  
y shall think reasonable and proper; *provided*, Proviso.  
than ten cents shall be demanded or received  
any person from any point to another upon

*it enacted*, That if any person or persons shall Penalty for in-  
juring works.  
iciously impair, injure, destroy or obstruct said  
y of its works, turnouts, switches, carriages,  
chines, such person or persons shall forfeit and  
o said corporation, three times the amount of  
ined by means of such injury, to be recovered  
f said corporation, with costs of suit, in any  
ognizance of the same.

*it enacted*, That the said corporation shall have May borrow  
money and  
issue bonds.  
ow such sum or sums of money from time to  
e necessary to build, construct, repair or equip  
to secure the payment thereof by bond and  
otherwise, on the said railroad, lands, privileges,  
l appurtenances of the said corporation, at a  
t not exceeding seven per centum per annum.

*it enacted*, That it shall be lawful for said cor- May make  
contracts.  
y time to make contracts and engagements with  
poration, or with individuals, for operating said  
ransporting or conveying any kind of goods or  
freight or passengers, and to enforce the ful-  
h contracts, and to demand and receive for  
tation by them carried over the road of any  
y the same rate of fare and tolls as said cor-  
entitled to receive by virtue of this act for  
and passage over their road; and also to con- May connect.  
other railroad or railroads in said city of Rah-

Proviso.

way or township of Cranford, now incorporated to be incorporated, upon such terms and conditions as may be agreed upon between them, and not inconsistent with the provisions of the respective charters; *provided, further*, that the same shall, within the limits of the city of Rahway, be subject to the provisions of the charter and of the laws of said city now or hereafter to be in force.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1872.

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## CHAPTER CCLXXXV.

An Act to incorporate the Ocean County Land and Improvement Company.

Corporators.

Name and powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David H. Tichenor, H. B. Thomas, Rutherford Stuyvesant, Mathew S. McCullough, Isaac S. Jennings, and all such persons as may hereafter be associated with them, their successors and assigns, they are hereby constituted a body corporate in fact and in name, by the name of "The Ocean County Land and Improvement Company," and by that name they and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to corporations, and shall have power to sue and be sued, to answer and defend in all courts and places, in any manner of actions and complaints whatever, and shall be capable in law of purchasing, using, holding, conveying, leasing, manufacturing, selling and disposing of real and personal estate in this state or elsewhere, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, conveyances, grants, contracts, agreements and assurances, and do all things soever, necessary or useful for the purposes aforesaid.

acted, That the capital stock of said cor- Capital stock.  
 one hundred thousand dollars, with the  
 raising it to one million dollars, which shall  
 shares of one hundred dollars each, and as  
 red shares of the capital stock shall have  
 and the sum of ten dollars on each share so  
 r secured to be paid, it shall and may be  
 mpany to proceed to carry into effect the  
 orporation; and it shall be lawful for the  
 corporation to call and demand from the  
 eof respectively, such installments, and at  
 such proportions as they shall deem proper,  
 nty dollars on each share at any one time,  
 all be published for at least thirty days in  
 he county of Ocean, or shall be given in  
 e space of time to the stockholders before  
 are required to be paid; and in case of Failure to pay  
 stockholder to pay his, her or their install- installments  
 ne and place appointed for the payment to forfeit  
 thirty days thereafter, such stockholder or shares.  
 incur a forfeiture of his, her or their share  
 previous payments thereon, for the use of  
 vided, the directors of said company shall Proviso.  
 nstate such forfeited share or shares, upon  
 them shall seem reasonable and fit; and the  
 tion to the stock of said corporation shall  
 ch time and place, and remain open such  
 as the directors shall appoint, notice being  
 ere to in a newspaper printed in said county  
 he shares of said capital stock shall be  
 property and transferable in such manner  
 by their by-laws shall direct.

acted, That the stock, property and con- Directors to  
 corporation shall be managed and conducted manage af-  
 three nor more than seven directors, a fairs.  
 shall be residents of this state, all of whom  
 ers, and one of whom shall be president, who  
 ices respectively for one year and until others  
 that the directors hereinbefore provided for  
 t such time and place as shall be provided  
 s of said corporation, by such of the stock-  
 tend for that purpose, either in person or by  
 of the time and place of such election shall be



published not less than two weeks previous to the paper published in the county of Ocean, and each shareholder shall be entitled to one vote for each share which they may hold in said corporation; and the person or persons having the greatest number of votes shall be directors. The directors may appoint such agents, officers and clerks, and make such compensation, and assign such duties as they shall think fit; and if at any time vacancies occur from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors, a majority of them, shall appoint; and until others are chosen by the stockholders, the persons named in the first section of this act shall be the directors, and shall continue in office until others are legally chosen.

Vacancy, how filled.

May let, lease, mortgage and sell lands, &c.

4. *And be it enacted*, That the said company be authorized to let, rent, lease, mortgage, sell or otherwise dispose of simple all such lands and real or personal estate which it may have and hold from time to time, in whole or in part, to improve any lands and real estate owned by the said company, by erecting, or causing to be erected, buildings of every name, kind, description, and for all other legitimate uses and purposes, to lay off and divide any estate into lots, to make and cut ditches, drains, sluices and raceways, as the same may be needed for the purpose of improving their lands and real estate, and for agricultural purposes, planting vineyards, orchards, berries, or in any other lawful way that the directors may deem necessary and advisable, and to purchase, manufacture, sell and dispose of all materials and things necessary for the erection of such buildings, or for any other purpose which may be required by said corporation.

May make rules and regulations.

5. *And be it enacted*, That a majority of the directors at the time being shall form a board for the management of the business of the said corporation, and shall have power to make such by-laws, ordinances, rules and regulations as may be necessary and convenient for the management of the stock, effects and concerns of the said corporation; *provided*, the same are not contrary to the Constitution of the United States or of this state.

Proviso.

May issue bonds.

6. *And be it enacted*, That in order to carry into effect the objects of this corporation, the said company shall have power to borrow money to a

half its capital stock, by the issuing of bonds not thirty years to run from the date of the same, and to provide for the payment of the interest due, and to provide for the payment of the same, either yearly or half yearly, and to secure the same by making and executing a mortgage on the lands and real estate, works, property and franchises, and may receive property suitable for its purposes in subscriptions.

*it enacted*, That in case it shall at any time <sup>Failure to elect not to dissolve.</sup> an election of directors shall not be made on the day next to be made, the said corporation shall not be dissolved, nor for any other nonuser, be deemed to be dissolved, and it shall and may be lawful to hold such election on any day as the directors of the said corporation shall

*it enacted*, That this act shall take effect immediately.

March 20, 1872.

## CHAPTER CCLXXXVI.

Supplement to the act entitled "An Act to incorporate the Dundee Manufacturing Company," passed March 20, 1872.

Whereas the increasing manufacturing business on the <sup>Preamble.</sup> of the said company, the name of which by a supplement has been changed to the "Dundee Manufacturing and Land Company," and the wants of the neighborhood thereof require that there be a railroad communication with the principal cities of the country; therefore,

*ENACTED by the Senate and General Assembly of New Jersey*, That the said Dundee <sup>May survey, lay out, construct or lease a railroad.</sup> Water and Company are authorized and empowered to survey, lay out, construct, maintain, and operate or lease a railroad, and from or near to the property owned by

Rates for  
transportation

Company not  
to occupy  
more than  
one street in  
village of Pas-  
saic.

Provision

them, and which shall hereafter be acquired by the  
nect with the Paterson and Hudson River Ra  
operated by the Erie Railway Company, at some  
points in the county of Passaic, with as many  
their property as the said company may deem  
facilitate their business, and that additional bran  
property can be located from time to time, aft  
location shall be made, as the said company shall  
to be necessary, and to place and run engines  
thereon, and to demand and take fare for carrying  
and merchandize at same rates as the Paterson  
River railroad are authorized by law to take, s  
shall not exceed fifty feet in width, except whe  
nature of the ground or the height of the emb  
greater width than fifty feet shall be necessary  
that part of the road running on Monroe street,  
not exceed the width already granted by the cou  
village of Passaic; and in such case said company  
no more ground exceeding the fifty feet in width  
be necessary, with power to cross highways; and  
same shall cross any highway, the crossing shall b  
maintained in good repair by the said company.

2. *And be it enacted*, That in that part of the  
Passaic lying west of the Dundee canal, the com  
not occupy more than one street, except where th  
shall cross intersecting streets and shall occupy n  
cept upon the carriage way, unless where a c  
further occupation necessary; all rails laid in  
shall be a flat "U," or groove rail properly protect  
ber; *provided*, that in the opinion of competen  
this rail is suitable to carry out the purposes of th  
the westerly terminus of the road shall be at so  
the Paterson and Hudson River railroad, betwe  
station and the centre line of Monroe street,  
village, but not more than seven hundred feet so  
centre line of said Monroe street, and the easter  
on the property of the Dundee Water Power and  
pany at such point as the company may select;  
between the Paterson and Hudson River railro  
Dundee canal, shall conform to the surface of t  
nearly as convenient use of such road for freight  
permit, a grade of fifty feet per mile not to be ex  
extra cost of grading intersecting streets either n



id, made necessary by the crossing of said rail-  
 paid by the company ; should any street cross  
 below the grade thereof, a passage way the full  
 street, under the track, shall be opened and  
 y the company ; and the railroad track shall be Railroad track  
 how laid and  
 protected.  
 protected with plank as to interfere with travel  
 street as little as possible, the centre portion  
 tracks being filled in with plank on a level with  
 e rails ; *provided*, nothing in this act contained Provido  
 onstrued as to authorize said company to con-  
 ilroad, or part thereof, outside of the limits of  
 ty ; or to take, or damage any land without  
 or tendering therefor the amount thereof as as-  
 the commissioners hereinafter mentioned or a  
 case may be ; and *provided further*, that the Provido.  
 land taken by said company from Henry P.  
 wween Central avenue and Lexington avenue,  
 eed eighteen feet.

*it enacted*, That it shall be lawful for the said May enter on  
 lands.  
 air agents and engineers, to enter at all times  
 and waters for the purpose of exploring, leveling,  
 and laying out the route of such railroad, and of  
 same, and making and erecting all necessary  
 ings and appendages thereof, doing no unneces-  
 to private property, and when the route and  
 said railroad shall have been determined upon,  
 thereof deposited in the office of the secretary  
 n it shall be lawful for said company by its  
 ts, engineers, superintendents, contractors, work-  
 er persons in their employ, to enter upon, take  
 , hold, use, occupy and excavate, any such  
 erect embankments, trestle work, bridges, and  
 ecessary work thereon, and to lay rails and do all  
 which may be suitable and necessary for the  
 r repairs of said railroad, and to carry into full  
 ects of this act, subject to such compensation,  
 h terms, as are hereinafter provided for.

*it enacted*, That if the said company, or its Proceedings  
 in case com-  
 pany or own-  
 ers cannot  
 agree.  
 nts, cannot agree with the owner or owners of  
 d lands or materials for the use or purchase  
 f by reason of legal incapacity or absence of  
 or owners, no such agreement can be made, a  
 escription of the land or materials so required

for the use of the said company in the construction of the said road shall be given in writing, under the signature of some engineer or proper agent of said company, also the name or names of the occupant or occupants thereof, and of the owner or owners, if known, and of the residence, if the same can be ascertained, to the justices of the supreme court of this state, who shall direct said company to give notice thereof to the persons interested, if known, and in this state, or if unknown, in the state, to make publication thereof, as he shall direct, for a time not less than twenty days, and to assign a certain time and place for the appointment of the commissioners hereinafter named, at which time upon satisfaction of the court to him of the service or publication of such notice, said, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, of the county of this state, commissioners to examine and appraise the lands or materials and assess the damages, upon notice given not less than twenty days, to be given to the persons interested or otherwise, as shall be directed by the court, at the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and sworn to an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to inquire into the matter in question and make a true report of the same to the best of their skill and understanding, to be made at the time and place appointed, and to proceed to examine the said lands or materials, the said company, at the same time taking into consideration as they shall think proper to the said owner or owners, and to make a just and reasonable appraisement of the value of the same, and a statement of the damages to be paid by the said company. The report shall be made in writing under the hand and seal of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid notice, of the lands or materials, and the appointment of commissioners and affirmations aforesaid in the clerk's office of said county, in which the lands or materials lie, to remain of record until the said report, or in case of an appeal, the verdict of the jury, and the judgment of the court therein and a copy thereof certified by the clerk of said county, the damages assessed and adjudged being first paid as herein provided, shall at all times be considered as paid.



of the said company to have, hold, use, occupy, enjoy the said land or materials; and said justice supreme court shall on application of either party give notice to the other, tax and allow such costs, expenses, to the justice of the said court, commissioners and other persons performing any of the duties in this section as he shall think equitable and shall order and direct by whom the same shall be

*it enacted*, That in case the said company, or owners of the said land, shall be dissatisfied with the award made by the commissioners named in the preceding act, the party so aggrieved may appeal to the justice of the county in which the lands or materials are located, at the first term after the filing of the said report, by filing in the form of petition to said court; which power shall vest in said circuit court, full right and power, to cause proper issue for the trial of said controversy between said parties, and order a jury to be empaneled in the same manner as in other cases, and a view of the premises to be taken if either of the parties desire it, and the issue to be tried at the next term of said court, to be holden in said county, on like notice, and in the same manner as other cases in said court are tried; and it shall be the duty of the jury to assess the value of the said land or materials, and if the award is sustained; and if they shall find a greater sum than the commissioners have awarded, or the company have offered, the said owner or owners, then judgment thereon, shall be entered against the said company, and costs shall be awarded thereon; and if the said appeal shall be sustained by the owner or owners, and the jury shall find that the sum offered is less than the commissioners awarded, or the company offered, then the said costs shall be paid by the said applicants, and either deducted out of the said award by the said jury, or execution awarded therefor, shall direct; but such application shall not preclude the said company from taking the said land, upon filing the said report; *provided*, that in no case whatever, shall the said company enter upon, or take possession of the lands of the said owner or persons, for the purpose of actually constructing a road, or of making any erection or improvements, or otherwise appropriating said lands to the use of the said company, until they have paid to the party or parties

Proceedings  
in case of ap-  
peal.

Proviso.

entitled to receive the same, the amount assessed by the commissioners as the value of such lands, or damages, if the report of the commissioners is not appealed from, or if the same is appealed from, then the said commissioners shall have the right to retain possession of the said lands, and they shall pay the amount which shall be found by whom the issue shall be tried, but in case the parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal or found by the jury, in case of appeal, shall refuse or order thereof being made, to receive the same, or if any person of this state, or under any legal disability, then the amount assessed or found, as aforesaid into the court of the county where the said lands lie, shall constitute a valid and legal payment; and further, that the parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made, receive the same, without being barred thereby from his, her or its appeal from the report of the commissioners.

May make  
agreements  
and contracts  
with Erie  
Railway Com-  
pany.

6. *And be it enacted*, That the said company be empowered to make contracts and arrangements with the Erie Railway Company for the transportation of goods, merchandise and passengers upon and over the roads hereby authorized, and the road and ferries operated by the Erie Railway Company, and also to make such connections as may be necessary or proper for such transportation between the roads operated by the Erie Railway Company, and the road hereby authorized.

May purchase  
and hold real  
estate.

7. *And be it enacted*, That the said company be empowered to purchase, have, hold and occupy such real estate at any place at the commencement and termination of the said road, or line of the same as may be necessary for depot purposes, for the storing of goods, wares and merchandise, not to exceed three acres in any one place, off the lands owned by the company acquired or to be acquired for the purpose of the original act of incorporation contemplated, except in the village of Passaic, where the power to take land for depot purposes is not given or intended by the act given by this act.

Statement of  
costs to be  
made.

8. *And be it enacted*, That as soon as said railroad is in any part of it in operation, the president of the company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, inclu-

pendages and all expenses, and file the same in the  
 e secretary of state, and annually thereafter, on  
 onday in January, of each year, he shall, under  
 a statement to the secretary of state, of the cost  
 pment, appendages and expenses of said road;  
 he said railroad, or any part thereof, shall be in  
 the said corporation shall pay to the treasurer of State tax.  
 a tax of one-half of one per centum on the costs,  
 and appendages of said road, to be paid annually  
 on the first Monday in January of each year, and  
 taxes as may be assessed, from time to time, by  
 law applicable to all railroads over which the leg-  
 ll have power for that purpose at the time of the  
 such law or laws; and until the passage of such  
 yment of the one half of one per centum shall  
 f all other taxes; and until the said railroad, or  
 ereof, shall be in operation, the said corporation  
 gularly assessed and pay tax for the value of its  
 , including improvements thereon, and personal  
 now taxed in the city or cities, township or town-  
 in it lies, at the same time and rate, and in the  
 er, for the same purposes, and by the same person  
 as other taxes are assessed in said city or cities,  
 townships.

*be it enacted*, That shares of stock of one hundred Shares of  
stock may be  
issued to  
stockholders.  
 h, to the amount heretofore authorized, may be  
 ortionately to the stockholders on the surrender  
 ation of their present certificates of shares of fifty

*be it enacted*, That this act shall take effect im-

d March 20, 1872.





and make a just and true report according to the skill and understanding, shall examine and appraise of said stock, and make a just and equitable appraisal of the same, and assessment of paid to the respective owner or owners of such condemnation and cancellation thereof.

*it enacted*, That the said commissioners may Assessment to be made upon townships. the several townships through which said road shall proportionate share of said assessment, and fees of said commissioners, as said commissioners just and equitable; and the said commissioners shall receive three dollars per day for each and every day Compensation by them in performing the duties prescribed by

*it enacted*, That the said commissioners shall, Commissioners to make report of award and assessment. days from the time of making said award and make a report thereof under their hands and seals of any two of them, and file the same in the office of the clerk of the county of Essex, and their oaths or affirmations aforesaid, which report thereof certified by said clerk, shall at all times be considered as plenary evidence of the right of said stockholders to have, hold, use, occupy, work and maintain the right of said stockholders to recover the amount thereof with interest and costs in an action Stockholders may bring actions to recover amount of valuation. of competent jurisdiction, to be instituted in said several townships through which said road they shall neglect or refuse to pay the same for after demand made upon their treasurer, and filed as aforesaid, shall vest in said several townships of said stock; *provided always*, either Proviso. of the said stockholders feel aggrieved by the decision of the commissioners, he, she or they may appeal to the common pleas of the said county of Essex, at the next term thereafter.

*it enacted*, That this act shall be deemed and declared a public act, and shall take effect immediately.  
March 20, 1872.

## CHAPTER CCLXXXVIII.

A Further Supplement to the act entitled "An act to incorporate the Citizens' Gas Light Company of Newark," approved March eighteenth, one thousand and sixty-eight.

Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of the act to which this act is a further supplement, be amended, by striking out of said section the words "adjoining city of Newark, excepting the township of Essex," and inserting *provided*, that nothing in the act shall authorize the Citizens' Gas Light Company to lay pipes or erect gas works in the township of Montclair.

Proviso. 2. *And be it enacted*, That the Citizens' Gas Light Company of Newark, is hereby invested with full power to manufacture, sell and deliver gas to any other gas light company incorporated to supply gas light for all or any of the townships of Belleville or Bloomfield, in the county of Essex, and to make any contract with such company for that purpose; *provided always*, that no contract contained shall be held or construed to affect in any way, or to authorize any interference with any contract now existing between said company and any other gas light company of this state, but such last mentioned contract shall be held to be valid and effectual in law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 20, 1872.



## CHAPTER CCLXXXIX.

incorporate the State Fruit Growers' Company.

ENACTED by the Senate and General Assembly of New Jersey, That Samuel J. Parker, William A. <sup>Corporators.</sup>

Charles G. Imlay, E. W. Earl, William L. Imlay, Lathrop, A. Rankin, A. Hart, Thomas L. Van-D., and Newell Imlay, or any five of them, are appointed commissioners for receiving subscriptions of stock of a company to be denominated "The Growers' Company," and for that purpose they <sup>Name.</sup> shall enter in a suitable book and enter in as follows: "We are hereunto subscribed, promise to pay to the Growers' Company the sum of ten dollars for every share of stock set opposite to our respective names in such proportions, and at such times as shall be determined by the president and directors of the company."

And it enacted, That the capital stock of the said <sup>Amount of capital stock.</sup> company shall consist of ten thousand shares at ten dollars each, and the privilege to increase the same to twenty-five thou-

And it enacted, That the real estate which it shall <sup>Real estate.</sup> be the duty of the said company to purchase, hold, rent or lease, shall be such as shall be requisite for the convenient carrying on of its business.

And it enacted, That the State Fruit Growers' Com- <sup>May purchase lands, &c.</sup> pany be authorized to purchase lands and engage in the cultivation of fruits, grains, vegetables, and such other articles as will promote the interests of the corporation, and subject to such marketable conditions as may be determined by the board of directors; <sup>Proviso.</sup> provided, none thereof shall be converted into spiritous or malt liquors; and to manufacture glass and bottles, whether solids or fluids; and to make what are commonly known as fruit jars or cans, and to buy and sell the same with or without contents.

And it enacted, That a general meeting of stock- <sup>Failure to elect directors not to dissolve</sup> shall be annually held on the first Monday of Janu-

ary, for the election of five directors and the other business; but if such meeting or election take place, the corporation for that cause shall be dissolved, but such meeting or election shall take place after as soon as may be, public notice thereof shall be addressed to the stockholders.

Election of directors.

6. *And be it enacted*, That the election of directors shall be by ballot, from among the stockholders; and the enactment of the by-laws for the government of the corporation and its officers, and in the decision of the stockholders present, either in person or by proxy, severally have one vote for each share of stock.

Powers of directors.

7. *And be it enacted*, That the directors shall hold office until their successors be elected; shall elect a president and vice president from among themselves; and in case of vacancies in their number, whether occasioned by death, resignation or other cause, and shall have general and exclusive control of the affairs of the corporation, unless otherwise provided by the stockholders; and at their meeting a majority of the members shall constitute a quorum.

Approved March 20, 1872.

## CHAPTER CCXC.

An Act for the purpose of raising money to complete a public school building in District Number fourteen, at Scudder's Falls, in the county of Mercer.

Preamble.

WHEREAS, the trustees of school district number fourteen, in the townships of Ewing and Hopewell, in the county of Mercer, have partially erected a public school building, which building when finished, and furniture for the same, said building, will cost about the sum of fifty thousand dollars,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the board of directors of said district number fourteen are hereby authorized



and construction of said public school building, <sup>Trustees au-</sup>  
 the necessary furniture and apparatus in said <sup>thorized to</sup>  
 g, and to construct fences in and around the <sup>finish school</sup>  
 make such other improvements as to said trus- <sup>building.</sup>  
 successors may seem desirable, and to expend  
 um or sums of money that may be necessary,  
 fifteen hundred dollars.

*it enacted,* That said trustees are hereby au- <sup>May borrow</sup>  
 row money on bond and mortgage for the pur- <sup>money.</sup>  
 and cause the cost of said building to be as-  
 e taxable property of the district in the same  
 er taxes are now assessed and collected ; *pro-* <sup>Provido.</sup>  
 e than one-half of said expense shall be levied  
 a any one year.

*it enacted,* That this act shall be deemed a  
 shall take effect immediately.  
 March 20, 1872.

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## CHAPTER CCXCI.

to the act entitled "An Act to incorporate  
 Woodbury," approved March sixteenth, eigh-  
 d and seventy.

*ACTED by the Senate and General Assembly of*  
*New Jersey,* That the words "for paying state <sup>Amendment.</sup>  
 kes," in the twenty-sixth section of the act to  
 a supplement be stricken out, and that the  
 d in said section to be raised by the council  
 ition to and exclusive of the state and county  
 be raised in any year.

*it enacted,* That this act shall take effect imme-

March 21, 1872.

## CHAPTER CCXCII

A Supplement to an act entitled "An Act to improve the town of Union, in the township of Union, in Hudson," approved March twenty-ninth, eight hundred and sixty-four.

Preamble.

WHEREAS, the council of the town of Union have issued improvement certificates to Gardner and Heck for the improvement of Gardner and Durham streets, and the said certificates the town of Union guaranteed to redeem within one year from the date of the same; and where the said improvement not being completed, and no money having been made, nor money raised to pay said certificates, which are now due; and the holders of said certificates having sued the town of Union to recover the same thereon, and the said town of Union desiring to redeem said certificates; therefore,

May borrow money and sue bonds.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the town council of Union shall have power to borrow a sum of money not exceeding thirty thousand dollars, and may issue bonds therefor, under the corporate seal of said town, and the signature of the chairman of the council, in such sum as shall be payable at such times as said council shall determine, bearing interest not exceeding seven per cent per annum, payable semi-annually, with coupons attached, and the property and credit of said town for the payment of the same, which bonds it shall be lawful for said town and their successors to sell and assign, *provided*, that the bonds issued shall not be sold for less than ninety-five per cent of their par value, and the money raised by the sale of said bonds shall be used by said council to redeem said certificates issued to said Gardner and Heck for said improvement for no other purpose whatsoever, and said bonds shall be redeemed out of the moneys assessed for said improvement of Gardner and Durham streets.

Provido.

Repealer.

2. And be it enacted, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

shall be a public act, and take effect immediately.  
 March 21, 1872.

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## CHAPTER CCXCIII.

to "An Act to incorporate the Jersey City  
 Company," approved March thirty-first, one  
 thousand eight hundred and seventy-one.

*Enacted by the Senate and General Assembly of  
 New Jersey,* That section one of the act to Amendment.  
 supplement be and the same is hereby amended  
 so as to permit said company to use such other  
 streets and avenues in said city, and in the county of  
 Essex may require for the purposes of the business  
 of the act to which this is a supplement.  
*it enacted,* That James F. Fielder be an addi- Additional  
 commissioner.  
 tioner to those named in section two of the act  
 as a supplement.  
*it enacted,* That all acts and parts of acts in- Repealer.  
 consistency with be and the same are hereby repealed, and  
 shall take effect immediately.  
 March 21, 1872.

## CHAPTER CCXCIV.

An Act to facilitate judicial proceedings in  
Warren.

Additional  
judge.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the court of orphans' court, oyer and terminer, and general sessions of the peace, in and for the county of Warren, hereafter consist of three judges in addition to the judges of the supreme court holding the circuit for said county, of which judges shall be an attorney-at-law, known as the president judge of the said court, who shall hold the office for the term of five years.

Presiding  
judge.

When he  
shall preside.

2. *And be it enacted*, That whenever the supreme court holding the said circuit court for said county, such judge, who shall be an attorney-at-law, shall be president judge of the court of common pleas, oyer and terminer, and general quarter sessions for said county.

Salary of judge

3. *And be it enacted*, That such president judge shall receive a salary of fifteen hundred dollars per annum, to be paid by the board of chosen freeholders of said county in quarterly payments, but to receive no other compensation whatever; said president judge may practice in all courts in this state in which he is authorized to practice, except such courts of which he is judge.

Common  
pleas, &c.,  
may hold spe-  
cial terms.

4. *And be it enacted*, That the court of orphans' court, oyer and terminer, and general sessions of the peace of said county of Warren, shall be held at general terms, and at special terms under the same regulations as are provided by statute in and of the circuit court for said county.

Indictments  
and crimes  
tried there  
when deemed  
necessary.

5. *And be it enacted*, That indictments for crimes committed within the jurisdiction of the court of general quarter sessions of the peace, shall be handed down by the court of oyer and terminer and general jail delivery unto and to the court of general quarter sessions of the peace, and the court of oyer and terminer and general jail delivery shall deem it necessary in order to expedite business in the jail.



*be it enacted*, That whenever any person shall <sup>Proceedings in case of persons who waive indictment and request trial.</sup> upon oath before any justice of the peace or judge, or any other officer authorized by law to hear and determine in the county of Warren, with any offence now pending before the court of general quarter sessions of said county, and such person shall, in writing, in person or by her, addressed to the prosecutor of the said county, waive indictment and trial by jury, and be tried immediately, it shall be the duty of said justice or the presiding judge of the court of said county, if he or she shall think the public interest will be promoted by denying said request, to apply to the president of said court of common pleas for the immediate removal of said person, and said president judge shall thereupon order a court of special quarter sessions, to be composed of one or more other judges of said court (if said president judge think it necessary to call him), to meet at the said county, which court is hereby empowered and authorized to try such persons with all due speed, having regard to the circumstances of the case, the public interest, and the possibility of obtaining necessary witnesses, to determine and adjudge the guilt or innocence of the said person; if such person be acquitted by said court, he or she shall be forthwith discharged; if he or she shall be convicted, said court shall thereupon render and record such judgment of imprisonment as shall be authorized by law in case such person has been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to appear at said trial, prefer to said court an allegation, in writing, stating the time, place and nature of the offence with which such person is charged, and to which such person he or she is pleading, and the proceedings for bringing such person to trial before said court, the accusation, place, trial and judgment shall be in conformity with law and the practice of said court, except so far as the same is altered by this act, and the costs of all proceedings in said court, under this act, shall be paid and paid in the same manner as costs of prosecution in indictments found in the court of oyer and terminer and general jail delivery of said county are now paid, except as herein otherwise provided.

*be it enacted*, That the clerk of said county shall <sup>Clerk of the county to be clerk of court.</sup> perform the duties hereby provided for, and shall issue all

process, whether of *capias*, *subpœna* or execution be required in carrying out the provisions of the process shall be delivered to the sheriff of said county, and shall be by him served and returned under the provisions and penalties, and with the same compensation as heretofore, and said sheriff shall be the officer of said court, and shall exercise the same supervision and direction of all the officers and subordinate officers attending said court as heretofore.

Stenographer  
may be ap-  
pointed.

8. *And be it enacted*, That the justice of the peace of said county who shall hold the circuit court for said county, or the president judge of the court of common pleas for said county, may appoint a competent person as stenographer, whose duty shall be to take minutes of and report the proceedings and trials to be had in the supreme court, circuit court, courts of oyer and terminer and assize, and delivery, and general quarter sessions of the peace, on the general or special terms thereof, as shall be directed by said supreme court justice or president judge of the court of common pleas, and such reporter shall be paid by said justice or judge.

Compensation

collector of said county such compensation as shall be determined by said justice or judge to be proper, but not exceeding ten dollars per day for each day he shall be employed.

Repealer.

9. *And be it enacted*, That all acts or parts of acts inconsistent with this act be hereby repealed.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1872.

## CHAPTER CCXCV.

An Act for the relief of Samuel Peak, of the county of Burlington, a soldier of the war of eighteen hundred and twelve.

Pension.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sum of one thousand dollars be paid by the treasurer of this state to Samuel Peak.

the war of eighteen hundred and twelve, upon the  
 this act, and at the rate of one hundred dollars per  
 after, to be paid to him semi-annually during his  
 and that the receipt of the said Samuel Peak shall  
 at voucher for the treasurer for all money paid  
 this act.

*it enacted*, That this act shall take effect imme-

March 21, 1872.

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## CHAPTER CCXCVI.

Supplement to an act entitled "An Act to reor-  
 local government of Jersey City," passed March  
 , eighteen hundred and seventy-one.

ENACTED *by the Senate and General Assembly of*  
*New Jersey*, That section one hundred and Amendment.  
 the act entitled "An Act to reorganize the local  
 of Jersey City," passed March thirty-first, eigh-  
 and seventy-one, be and the same hereby is so  
 that said section shall read as follows, to wit:  
 board of fire commissioners shall have power to  
 h steam fire engine in and belonging to said city,  
 who shall receive a salary not exceeding seventy-  
 month; one engineer, who shall receive a salary  
 g a thousand dollars per annum; one foreman,  
 ceive a salary not exceeding two hundred and  
 per annum; and not more than twelve hosemen,  
 n shall each receive a salary not exceeding  
 dollars per annum, one shall receive a salary not  
 ght hundred dollars per annum, and one shall  
 ary not exceeding eight hundred and fifty dollars  
 and shall act as stoker; said driver, engineer,  
 hosemen shall constitute an engine company for  
 the said board shall also have power to select for  
 re engine in and belonging to said city such com-



plement of officers and men as they may deem necessary, not exceeding thirty-five in all, at salaries not exceeding one hundred and fifty dollars per annum for a fire engine driver, seventy-five dollars per annum for each of the firemen; they shall constitute the engine company of each hose company; they shall also have power to select for each hose company and belonging to said city, a driver at a salary not exceeding seventy five dollars a month; they shall also have power to select for each truck car in and belonging to said city, a driver and one tillerman, at salaries not exceeding one hundred and fifty dollars per month; one foreman, at a salary not exceeding two hundred and fifty dollars per annum; two assistant foremen at salaries not exceeding seventy dollars per month; two truckmen at salaries not exceeding seventy-five dollars per annum, who shall constitute the truck company of each car; they shall also have power to select a chief engineer for the fire department, at a salary not exceeding one hundred dollars per annum, and one assistant engineer at a salary not exceeding fifteen hundred dollars per annum; two district engineers at salaries not exceeding one hundred dollars per annum; they shall also have power to select a clerk to said board, and such persons as they may deem necessary for the proper management of the fire department and alarm apparatus of said city, and to define their duties and fix their compensation.

Amendment. 2. *And be it enacted*, That section one hundred and one of said act be and the same hereby is amended by striking out the word "stokers," and inserting in lieu thereof the words "engineers, tillermen," and by inserting in the end of said section, after the word "drivers," the words "and hosemen and truckmen, whose salaries shall not exceed one hundred and fifty dollars per annum."

Amendment 3. *And be it enacted*, That section one hundred and two of said act be and the same hereby is amended by striking out the words "*provided*, that repairs to buildings shall be done under the direction of the board of public works;" and hereafter all repairs to buildings shall be under the control and management of the board of fire commissioners, aforesaid, shall be done under the direction and control of said board of fire commissioners, and not under the direction of the board of public works of said city.

4. *And be it enacted*, That if any person or persons shall maliciously or wilfully destroy or injure any



machines, bells, boxes, locks or other apparatus of the telegraph of Jersey City, or shall maliciously or interfere with the same, or any part thereof, with create a false alarm, or shall in any way maliciously obstruct or attempt to obstruct the efficient use or of the same, or any part thereof, or hinder or any of the operations lawfully intended to be accomplished hereby, he, she or they so offending shall be deemed misdemeanor, and on conviction shall be punished not exceeding one hundred dollars, or imprisonment not exceeding one year, or both, in the discretion of the court, and also be liable if any damages occasioned thereby.

Penalty for  
injuring or in-  
terfering with  
fire alarm, &c.

It be it enacted, That this act shall take effect imme-

diately from and after the date of its passage, to-wit: the 21st day of March, 1872.

## CHAPTER CCXCVII.

AN ACT to legalize the bonds issued by the city of Trenton for the relief of the city Chicago.

WHEREAS, the common council of the city of Trenton, pursuant to the resolutions of a public meeting of the citizens of Trenton, did appropriate the sum of ten thousand dollars to the relief of the city of Chicago, by reason of the disastrous conflagration in that city, and did on the 15th day of October, anno domini eighteen hundred and seventy-one, pass an ordinance to authorize the issuing of bonds of said city to raise money to pay said appropriation, which said bonds, to the amount of ten thousand dollars, payable in one year, with interest, were issued for the money received therefor, and to the payment of the faith of the inhabitants of the city of Trenton pledged; therefore,

Preamble.

IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the debt and liabilities incurred by the said city of Trenton, in consequence of the

Appropriation  
legalized.

May provide  
by taxation  
for payment  
of bonds.

appropriation of the sum of ten thousand dollars for the Chicago relief fund as aforesaid, and the action of the common council of the said city, in issuing the bonds of said city for the amount of ten thousand dollars as aforesaid, and the same are hereby legalized, ratified and confirmed.

2. *And be it enacted*, That it shall be lawful for the common council of the city of Trenton to order and cause to be assessed and raised by tax, at the time and in the manner that other taxes are collected in said city, the money required to pay the principal and interest on the indebtedness and to liquidate the said bonds at maturity.

Approved March 21, 1872.

## CHAPTER CCXCIX.

An Act to change the name of the First Presbyterian Church in Independence to the First Presbyterian Church of Hackettstown, and to authorize it to convey land.

Trustees authorized to  
lease, sell and  
convey land.

Description.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the First Presbyterian Church in Independence, in the county of Warren and state of New Jersey, or their successors in office, and they are hereby authorized and empowered to sell and convey all that certain tract or parcel of land, premises situate, lying and being in Hackettstown, Warren county, New Jersey, bounded and described as follows: Beginning at a corner in the lot belonging to school number one, in the edge of Main street, and running along the line of the said school-house lot, to a point in Bowers' pond; and along said pond to a corner in the lot of a lot owned by the estate of William Rea, deceased, along the line of said lot in a westerly direction to the place of said Main street; and thence along said Main street to the place of beginning; and for that purpose to make and deliver a good and sufficient deed or deeds of conveyance therefor, to the purchaser or purchasers of

the said deed or deeds of conveyance shall be good and valid in law; and the said trustees, or their successors, shall have full power and authority to remove the said tombs or graves from said land and premises.  
*be it enacted*, That the incorporate name of the <sup>Name changed.</sup> Presbyterian Church of Independence, henceforth be the First Presbyterian church of Hackettstown.  
*be it enacted*, That this act shall take effect immediately.

March 21, 1872.

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## CHAPTER CCC.

relative to the Heimback Slate Mining Company.

*ENACTED by the Senate and General Assembly of New Jersey*, That the Heimback Slate Mining <sup>May have an office in New York.</sup> Company of the city of Elizabeth be, and they are hereby authorized to keep an office in the city of New York, with the necessary papers and papers as may be necessary for the transaction of their business there; *provided*, that the principal <sup>Proviso.</sup> office of said company shall be and remain in the city of New York, where the meetings of its stockholders shall be held, and where its stock and minute books shall be kept.  
*be it enacted*, That this act shall take effect immediately.

March 21, 1872.



## CHAPTER CCCL.

Supplement to "An Act to incorporate the May's Landing and Egg Harbor City Railroad Company," approved March twenty-second, eighteen hundred and seventy-one.

**May extend railroad.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the May's Landing and Egg Harbor City Railroad Company, incorporated by an act approved March twenty-second, eighteen hundred and seventy-one, to continue and extend the said railroad from its terminus at May's Landing, in the county of Atlantic, to some point in the village of Cape May.

**Increase of capital stock.** 2. *And be it enacted*, That in order to enable the said company to extend the said road as is above mentioned, it shall and may be lawful for the said company to increase their capital stock to the sum of one hundred and fifty thousand dollars, with the privilege of increasing it to any sum not exceeding one hundred and fifty thousand dollars above the capital specified in the act to which this is a supplement.

**Powers.** 3. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of this act, and for the complete execution of the same, the said company and its officers and directors are hereby invested with all the provisions, powers, authority and privileges given and granted by the said act of incorporation, and also subjected to all the liabilities, responsibilities, restrictions and provisions contained in the said act, except as herein otherwise provided; *provided*, that nothing in this act shall affect the rights of the owners of the land lying under water.

**Proviso.** 4. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1872.

## CHAPTER CCCII.

Supplement to an act entitled "An Act to incorporate the Perth Amboy Gas Light Company," approved eighth, anno domini eighteen hundred and sixty-

the capital stock of the aforesaid company, as Preamble.  
by the act to which this is a further supplement, is  
insufficient for the purposes contemplated  
et; therefore,

ENACTED by the Senate and General Assembly of  
New Jersey, That the Perth Amboy Gas Light May increase  
and the same hereby is authorized to increase capital stock.  
stock of the said company to an amount, which with  
now authorized, shall not exceed the sum of one  
thousand dollars, which increase shall be issued or  
and paid in, as the directors of said company from  
may direct.

It is enacted, That this act shall take effect imme-

March 21, 1872.

## CHAPTER CCCIII.

to an act entitled "An Act to incorporate the  
and Inland Telegraph Company," approved March  
eighth, eighteen hundred and seventy-one.

ENACTED by the Senate and General Assembly of  
New Jersey, That the corporation shall have May increase  
increase its capital stock, from time to time, to such capital stock.  
as may be decided on by the stockholders, at any

regular or special meeting called for that purpose by a majority of the directors of the corporation; the notice shall be published at least three weeks in advance of the meeting proposed for holding said meeting, in at least one newspaper in every county in the state where the company is located, built, or contemplate building its line.

Power to lay,  
construct and  
land lines or  
cables.

2. *And be it enacted*, That the said corporation shall have the power to lay, land, maintain, construct, telegraphic or magnetic lines or cables on lands and also upon and over reefs, islands, shores, and waters of this state, to connect, by means of said lines or cables, the state of New Jersey, or any part thereof, with the continent, or the empire of Great Britain.

Tax to be paid  
to state.

3. *And be it enacted*, That the said corporation shall pay into the treasury of this state, on such increased capital stock as such sum as shall be necessary, at the rate specified in an act entitled "An Act to increase the revenues of the state of New Jersey," approved March fifth, eighteen hundred and sixty-eight; said corporation shall have the power to make and enforce by-laws, regulating the subscription and payment of such capital stock, and at the annual stockholders' meeting each share of stock shall entitle the holder to one vote.

May make  
contracts and  
engagements.

4. *And be it enacted*, That the said corporation shall have the power to enter into any arrangements or contracts with any other person or persons, or corporation or companies, domestic or foreign, to connect the lines of telegraph with any other lines, and to operate such connections; and may be agreed upon by such contracting parties to fix and receive the rates for the transmission of messages over the lines of this company or such connected lines.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1872.



## CHAPTER CCCIV.

incorporate the Pequest Mining and Manufacturing Company.

ENACTED by the Senate and General Assembly of New Jersey, That Julius S. Howell, Richard Alexander K. Young, Jason B. Loomis, and such s as may be or become associated with them and sors, shall be and are hereby incorporated and y politic and corporate in fact and in law by the The Pequest Mining and Manufacturing Com- power to have, use and alter a common seal, and e sue and be sued, defend, plead, answer and be n any court of law or equity, and with all other corporation, for the purpose of mining, smelting, nufacturing and transporting iron and other es, earths and metallic substances, and of buying, disposing of the same, and of all articles manu- in process of manufacture, or for manufacturing d all other articles necessary to be used in the of their business, and of general merchandise, to possess, own and dispose of machinery, imple- ersonal property necessary or proper to construct rnaces and other works; also to take and hold and privileges, and establish, maintain, improve same, and to take and hold, dispose of or convey lease or any conveyance, any mines, mining or ats and real estate, or any part thereof, or any erest therein, and to take, retain or reserve rents, other interest in any property, and to take, hold, and enjoy, by agreement to pay rent or royalty, , any property, and to manage, control and dis- property or rights they may have or be entitled terested in, by agreement or otherwise, and to ledge or hypothecate the same, or any part or f, and their franchises and privileges.

*It is enacted,* That the capital stock of the com- e forty-eight thousand dollars, with the privilege

Name and  
powers.

Capital stock

of increasing the same from time to time to an exceeding five hundred thousand dollars, which divided into shares of one hundred dollars each any part thereof, which shall be subscribed for, in at such times, upon such notice, and in such installments as the directors of the company may otherwise may direct; that said stock, or any disposed of for property; that payments for subscribed for or disposed of, may be in money mining property, or may be in land or real county of Warren, in this state, or in any right therein, or in personal or other property, or in all of said modes of payment, and the value of other than money taken for stock, shall be approved by the board of directors; in case of failure by any holders to pay either of his, her or their installments, the stockholder shall be liable to make any payment for stock agreed to be paid and within thirty days after the time appointed upon for payment, the stock of such stockholders on which he, she or they failed to make the aforesaid, and all previous payments made the at any time, by the board of directors declared, and when such declaration is entered in the company, the said stock and all previous payments shall be forfeited to the use of the company; the board of directors may, at their option, before or after the forfeiture, remit the same or issue stock equivalent to the amount paid, or make such adjustment with the stock has been forfeited, or their legal representatives; the board of directors may deem best.

Failure to pay  
subscriptions  
to work for-  
feiture.

Stock, how  
transferable.

3. *And be it enacted*, That the capital stock of the company shall be deemed personal property, and the same shall be transferable only on the books of the company in such manner as may be directed by the board of directors; and every share shall entitle the holder thereof to vote, either in person or by proxy, that dividend on the stock may be made of the proceeds of the business of the company.

Affairs to be  
managed by  
directors.

4. *And be it enacted*, That the affairs of the company shall be managed, after the first election, by a board of directors to be chosen by a plurality of legal votes cast by the stockholders annually, at such time and in such manner as the by-laws of the company may direct, who shall



shall the directors elected at an election by the  
 shall organize; notice of which election shall Election of di-  
 rectors.  
 given for two weeks in a newspaper published  
 of Warren, in this state; but should an elec-  
 held on the day specified by the by-laws, the  
 held afterwards on such day as the directors  
 e, of which election, the like notice shall be  
 directors shall, from time to time, elect a presi-  
 other officers as may be convenient or neces-  
 their compensation; any vacancy or vacancies  
 r in the board of directors by failure to elect  
 er by the stockholders, or for any other cause,  
 by the remaining directors for the time being,  
 of them, until the directors elected at the sub-  
 on for a full board of directors shall organize;  
 a director shall act as such who is not a stock-  
 directors may, if a majority in interest of stock-  
 determine, be increased to any number, not  
 e in all; a majority of directors may act with  
 l business.

*it enacted,* That Julius S. Howell, Richard D. First directors  
 under K. Young, and Jason B. Loomis shall be  
 of directors of the company, a majority of  
 s soon as convenient after the passage of this  
 and organize the company, and they shall con-  
 and manage all the affairs and business of the  
 l the directors elected at the first election of  
 the stockholders, shall organize, and vacancies  
 ay be filled by the remainder or a majority of  
 gs of the directors may be held out of this

*it enacted,* That as soon as the company shall May receive  
 conveyances  
 of lands for  
 shares, &c.  
 as provided in the next preceding section, the  
 be and are hereby authorized to receive con-  
 the lands, mines and property in the county of  
 his state, or for any part, share or portion  
 l by the corporators named in the first section  
 r any or either of them, or their associates,  
 state, right, title and interest in any property  
 of Warren, in which said corporators, or any  
 interested, as at the time of the passage of this  
 ards, shall belong to any other person or per-  
 willing to sell and convey the same to the

company, and also to receive conveyances for property, in the possession of said corporation, with, or which pertains to the business which have heretofore carried on without being in company paying for property taken by the agreements, mortgages, conveyances, and other necessary or proper in the purchase and sale of any part, share or portion thereof, right or interest therein, or in any part thereof, management of the same, and to pay for the part of any property, purchased in whole or the shares of its capital stock, at not less than of said stock, with bonds of said company, otherwise, or by either or any of such modes

Authorized to  
issue bonds.

7. *And be it enacted*, That the company power, and are hereby authorized, in case two rest of the stockholders consent thereto, either by a vote at any meeting of the stockholders, bonds from time to time to such amount as expedient, not exceeding in the aggregate the any portion or all of which bonds may, if the directors so determine, be made convertible in the of said company, at the option of the holders, such terms as may be therein stated; and the same, may be registered under such regulations the directors may adopt; they may be coupon or otherwise payable with any rate of interest not exceeding five per centum per annum on the principal sum named, the company may sell or negotiate, or may in the chase of property, such bonds, at such rate of interest as shall be sold, negotiated or used, such bonds as shall be sold, negotiated or used, than par shall be valid and binding at law or in equity, the whole amount of principal named thereon, interest on said principal, and upon any recovery in any proceedings to recover the same, principal or upon any instrument, mortgage or trust deed, same, at law or in equity, there shall be no abatement of any part of the principal or interest by reason of such sale, negotiation or use of the same for securing the payment of said bonds for

Rate of Interest.



by granted to said company to pledge or  
 way of mortgage, trust, or otherwise, the May mortgage  
 property to  
 secure pay-  
 ment of bonds  
 part of the property and the franchises and  
 powers and privileges of the company; and  
 mortgage and trust shall be valid  
 to secure the whole principal sum of money  
 bonds, and all interest on said sum; and the  
 filing of any mortgage or trust deed made by  
 in the county or counties where any bonds or  
 placed in said mortgage or trust deed shall be  
 make the said mortgage or trust deed a lien,  
 lands and real estate embraced therein, but  
 property, as well chattels as other property,  
 rights and privileges mentioned and described  
 conveyed or conveyed in trust, without filing said  
 trust deed, or any copy thereof, or any state-  
 ment, at any time.

enacted, That the company shall have the May construct  
 railroad.  
 hereby authorized to construct from any mine  
 of the company, in the county of Warren,  
 roads to any point or points near or adja-  
 cent to any road or railroads now or hereafter constructed  
 in Warren; also to make connection with any May make  
 connections  
 and agree-  
 ments.  
 roads now or hereafter constructed, or in pro-  
 portion, at any point or points in said county,  
 or have transported thereon, by steam or  
 power, with any carriages, cars or other vehi-  
 cles, may be deemed by the company necessary or  
 transferred; also to make agreements with any  
 person, company or companies, for transportation,  
 and compensation therefor, on the railroads of  
 the company chartered, or any other railroads in said  
 county; also to acquire, by agreement, the right  
 to use any land or property for the railroads of  
 the company the purchase of the right of way or of the  
 use of the railroads of the company shall be con- Wagon ways  
 to be main-  
 tained.  
 sidered a public highway, the company shall make,  
 keep in repair suitable wagon ways over or  
 under such railroads, so that the passage of car-  
 riages, horses and cattle on said highway shall not  
 be impeded; also to construct depots, acquire land  
 and collect charges for the use of or trans-  
 portation on railroads or any part thereof.

Other corporations may take, hold and dispose of stock.

9. *And be it enacted*, That any of the capital of the company may be taken, held, transferred by any other incorporated company, and by any other incorporated company (except banks, which may take the same only as voted on by any person or persons designated by the company holding such stock; and the company may, when it is necessary or for the purpose of this act may, take, hold, transfer and dispose of the stock of any other incorporated company, and that such stock (except the stock of incorporated banks, which may be taken only as collateral,) may be voted on by any person or persons designated by the company incorporated.

Purchasers under decree may organize new company.

10. *And be it enacted*, That the purchaser of any sale under or by virtue of any order of the court of chancery of this state, in any suit to foreclose or enforce any mortgage or trust deed of any company who shall purchase any of the property of the company, and its franchises, chartered rights, privileges, shall acquire, own and have the benefit of the property, franchises, chartered rights, and privileges of the company, and, with their consent, may reorganize as and be a new company, with the same franchises which, at the time of the said sale, the same company had, to whom such mortgage or trust deed was made, and by law, with the sum paid at such sale as to the said company, with the right to increase the capital to the amount provided in this act, or by any supplementary or other act.

How dissolved

11. *And be it enacted*, That the company may be dissolved by vote, at any general meeting of the stockholders, after two weeks' notice in a newspaper published in the city of Warren has been given by the president or secretary, in which notice shall be sent by mail, addressed to the stockholders, stating that at such meeting the directors of the company will be considered or acted on; and that at least two-thirds in value of the stock shall be present, or the stockholders, or by persons holding proxies for the stockholders, authorizing the representatives to vote, at such meeting; and upon the vote of such and so many of the then directors as shall be present at such meeting, and consent in writing to act, or shall be sent so to act, then, or in case of the death of any director, or he shall cease to act, three persons chosen

Provided.

f the stockholders present at such or any meet-  
 e trustees, who, or the survivors or survivor, as  
 trustee, shall settle all the affairs of the corpora-  
 of its effects, with power to make any agree-  
 ve to any property or business, or conveyance of  
 property of the company, sue for and recover all  
 emands, submit differences to the award of arbi-  
 e compromises, and do or cause to be done what-  
 e survivors or survivor, may deem necessary ;  
 plying the proceeds of the property and effects of  
 y, over and above the payment of expenses inci-  
 settlement, to the payment of debts of the corpo-  
 vide the surplus, all of which shall be deemed  
 ate, among the stockholders, in proportion to their  
 interests in the stock ; and in any agreement, con-  
 business, a majority of the trustees shall have  
 , and their acts, or the act of the survivor of the  
 ll be valid and have full force and effect ; and  
 rvivors or survivor, may use the corporate name  
 the company in any business transaction by them,  
 s or survivor, and may represent the company,  
 corporate name and seal, as may be necessary in  
 proceedings at law or in equity.  
*be it enacted*, That this act shall take effect im-

March 21, 1872.

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## CHAPTER CCCV.

renew the charter of the Fireman's Fire Insurance  
 Company of New Brunswick.

ENACTED by the Senate and General Assembly of  
 New Jersey, That the act to incorporate the Act extended.  
 Fire Insurance Company of New Brunswick,"  
 arch fifteenth, eighteen hundred and seventy,  
 the same is hereby renewed and extended and



Proviso.

continued in force; *provided*, that the state as the original act, and on this act, be paid in com the "Act to increase the revenue of this State March sixth, eighteen hundred and fifty-eight, plements thereto.

2. *And be it enacted*, That this act shall take diately.

Approved March 21, 1872.

## CHAPTER CCCVI.

An Act to incorporate the Bryant, Stratton a Business College of the city of Newark, Ne

Corporators.

1. BE IT ENACTED *by the Senate and General the State of New Jersey*, That W. C. Whit Ricord, T. B. Peddie, S. Merchant, John P. Jac Dodd, S. R. W. Weath, Marcus L. Ward, the and associates, be and they are hereby declared tuted a body politic and corporate, by the name "The Bryant, Stratton and Whitney Business C city of Newark, New Jersey," and as such sha petual succession, may sue and be sued, plead pleaded, contract and be contracted with, and m hold, sell, convey and dispose of real and pers may have a seal and may change and renew pleasure, and may grant diplomas and confer d

Name and powers.

Proviso.

Object.

2. *And be it enacted*, That the object of said shall be the development, diffusion and perpetua ness education in the state of New Jersey and and the illustration of business enterprises; an lawful for said corporation to provide means for commerce, for the encouragement and improve and industries, and for the spread of knowledge

*it enacted,* That the members of said corpora-  
 free upon and establish articles of association  
 the terms of membership in said corporation, the  
 and direction of its affairs, the appointment or  
 officers, agents, directors and faculty, and pre-  
 duties, providing for the enactment, amend-  
 of by-laws and resolutions, and providing for  
 and enjoyment of the franchises hereby granted  
 oration in any lawful manner, not inconsistent  
 provisions of this act; such articles of association  
 me to time, be revised, amended, added to, or re-  
 whole or in part, by said corporation, in such man-  
 be provided in that behalf in said articles.

Affairs, how  
 managed.

*it enacted,* That it shall be lawful for said cor-  
 enter into any contract which may be agreed  
 n said corporation and any business college or  
 proprietor or proprietors thereof, by whatever  
 college or school may be called, and whether the  
 e incorporated or not, as to any and all matters  
 o the proper objects of such college or school,  
 corporation.

May enter  
 into contracts.

*it enacted,* That this act shall take effect imme-

March 21, 1872.

## CHAPTER CCCVII.

to incorporate the Trade Insurance Company.

ENACTED by the Senate and General Assembly of  
*New Jersey,* That William P. Tatum, William J.  
 amin F. Lee, Jeremiah Smith, Nathaniel Strat-  
 Moore, junior, and S. F. Fries and others, their  
 cessors and assigns, shall be, and are hereby  
 constituted and appointed a body politic and cor-  
 e name and style of "The Trade Insurance Name.

Corporators.

Company," to be located in Camden, and by t  
have perpetual succession.

Capital stock.

2. *And be it enacted*, That the capital stock be one hundred thousand dollars; said stock to be divided into shares of fifty dollars each, and the sum of one hundred thousand dollars shall be paid in cash before commencement of business; and if any subscriber or subscribers of a share of said stock shall neglect or refuse to pay the installments ordered by the directors for the space of six months after the same shall become due or required, and after due notice shall have been given to such stockholder, the share of such negligent stockholder shall be sold by the directors in such manner as they may provide in resolution, and the proceeds of said sales shall be first applied to the payment of the installment called for; and that the balance attending the sale, and the balance, if any, shall be paid to the owner of said stock, and such sale, if made, shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

May insure  
against loss by  
fire, &c.

3. *And be it enacted*, That it shall and may be lawful for the said company to insure dwelling houses, personal and all kinds of property for any period of years against loss or damage by fire, by perpetual policy or otherwise; also to insure vessels of all description, and their tenancies and cargoes, rights and interests against all description of casualty, incident to marine and inland transportation, upon such terms and conditions as may be contained in the policy of insurance; and may cause the same to be reinsured when deemed expedient.

Managed by  
directors.

4. *And be it enacted*, That all the affairs and concerns of said corporation may be managed by a board of directors, to be composed of not less than seven or more than fifteen persons, a majority of whom shall be residents of this State, to continue in office one year, and until others are appointed in their place; all of whom shall be stockholders of said corporation, and shall take an oath or affirmation before entering office to choose out of their body a president and vice-president, as required; all vacancies in the board of directors shall be filled for the remainder of the year, as a majority of the board at that time being may appoint; and a majority of the board shall constitute a quorum for the transaction of business.

Vacancy, how  
filled.

Officers and  
compensation

5. *And be it enacted*, That the board of directors may appoint a secretary and treasurer, and such other



be requisite for effecting the business of said  
and allow them such compensation as may be

*it enacted,* That the corporators named in the <sup>first directors</sup>  
of this act or whoever else a majority of them  
are, and any vacancies in said board of corpora-  
turity of the balance shall have power to fill such  
and such board shall constitute the first board of  
and their first meeting may be held as soon as  
after the passage of this act, and they are au-  
thorized to open the books and receive subscriptions to the  
of said company.

*it enacted,* That all policies or other contracts of <sup>Policies and</sup>  
may be made either with or without the seal of the <sup>contracts</sup>  
shall be signed by the president and secretary,  
and signed and executed, shall be binding and  
upon the company.

*it enacted,* That the meeting for election of <sup>Election of di-</sup>  
shall be held on the second Monday of January, in <sup>rectors.</sup>  
every year, at such hour of the day as the board of  
may direct, at the office of the company in Camden,  
notice is to be given once a week for two weeks  
before said election, and published in a newspaper  
in Camden county; and each share of the stock  
shall give its owner to one vote at each election, to be  
exercised in person or by proxy; and the office and  
of the company shall be kept in said city of Camden.

*it enacted,* That the capital stock of said com- <sup>Stock, how</sup>  
pany shall be deemed personal property, and the shares <sup>transferable.</sup>  
shall be entered on the books of the company in such manner as  
may be prescribed.

*it enacted,* That in case it shall happen that <sup>Failure to</sup>  
if directors shall not be made on the day when <sup>elect directors</sup>  
this act it ought to have been made, the said cor- <sup>not to solve</sup>  
poration shall not for that cause, be deemed to be dissolved,  
and may be lawful to hold such election on such  
day as the directors of said corporation may direct.

*it enacted,* That the company shall have power <sup>May sue for</sup>  
to be sued, and to defend and be defended, in all <sup>or personal</sup>  
cases in law or equity, and by that name may also <sup>cause, &c.</sup>  
use, possess, and enjoy to them and to their suc-  
cessors, tenements, hereditaments, goods, chattels and  
of what nature and kind soever necessary for the pur-

pose of said corporation, and the same may alien and dispose of at pleasure for the benefit of said corporation; and may also have a common seal, and may alter the same at pleasure; also may make and alter by-laws and regulations as to them shall seem expedient for the well ordering and government of said corporation, and put the same into execution; *provided* that the same be not contrary to the constitution or laws of the United States.

12. *And be it enacted*, That this act may be amended, modified or repealed by the legislature hereafter, and that it shall take effect immediately.

Approved March 21, 1872.

## CHAPTER CCCVIII.

### An Act relative to Saint John's Methodist Episcopal Church of Newark.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That four of the trustees of the Saint John's Methodist Episcopal Church, of Newark, to be elected by the congregation of said church, at the next annual election, shall be elected from persons members of the Methodist Episcopal churches of the city of Newark, in preference to persons who shall be nominated as hereinafter provided by the presiding elder, for the time being of the Newark District, of the Newark Conference of the Methodist Episcopal Church, to be voted for by said congregation notwithstanding anything to the contrary contained in any act or acts titled "An Act to incorporate the trustees of the Saint John's Methodist Episcopal Church," approved April seventeenth, one thousand eight hundred and forty-six.

2. *And be it enacted*, That in like manner as vacancies in the office of trustees, by death, resignation, incapacity, or removal of a trustee, the vacancy thus occasioned shall be filled.

on like nomination as hereinafter in that be-  
l of said presiding elder.

*it enacted*, That it shall be the duty of such Presiding el-  
der to nomi-  
nate trustees  
&c.  
er, for the time being, to nominate, in writing,  
annual election of trustees of the said the Saint  
odist Episcopal Church of Newark, and for the  
reof, to said congregation, at least to male mem-  
standing, from each of four Methodist Epis-  
es in said city other than said Saint John's  
iscopal Church, and in case of vacancy or  
aforesaid, to nominate, in writing, for each  
said congregation, with a view to filling such  
least two male members, in good standing, of  
dist Episcopal church or churches in Newark  
er than said Saint John's Methodist Episcopal

*it enacted*, That this act shall take effect imme-

March 21, 1872.

## CHAPTER CCCIX.

incorporate the Conrad Manufacturing Company  
of Camden county, New Jersey.

*ENACTED by the Senate and General Assembly of  
New Jersey*, That James M. Conrad, Ezra Corporators.  
aniel S. Cake, Charles Wright, Jabez B. Fisher,  
rker, James Hemphill, Ridgeway Gibbs and  
Sickler be, and they are hereby incorporated  
me, style, and title of "The Conrad Manufac- Name.  
any, of New Jersey."

*it enacted*, That the business of the said com- Business of  
company.  
be the manufacture of fire brick, terra cotta  
ning and shipping of clay, and generally the  
and utilization of any and all products of their  
den county.



Capital stock. 3. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars divided into one thousand shares at fifty dollars each; and the said company shall be authorized to commence operation on the first day of January, one-fourth of the said capital stock is subscribed for.

General power. 4. *And be it enacted*, That in all other respects the business of the said company shall be conducted in conformity with the provisions and regulations of the act, entitled "An Act to authorize the establishment, and to prescribe the powers of the companies for manufacturing and other purposes," passed March second, one thousand eight hundred and eighty-two.

Approved March 21, 1872.

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## CHAPTER CCCX.

An Act revising the act to incorporate the City of Hudson in the County of Hudson and State of New Jersey, approved March tenth, eighteen hundred and eighty-two.

### TITLE I.

#### BOUNDARIES, NAME, CORPORATE TITLE.

Boundaries. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the County of Hudson lying south of the Morris canal, is to be bounded by the following boundaries, that is to say, commencing at a point in Newark bay, where a line, if drawn, would intersect the Morris canal nears said bay into the angles thereto, would intersect the westerly boundary line of the township of Greenville; thence southeasterly to the Morris canal; thence along the southern boundary of the Morris canal to New York bay; thence into New York bay at right angles thereto, to the boundary line between the states of New Jersey and New York; thence along the boundary line, through New York bay and the

bay as far as the boundary of said county extends along said boundary line in Newark bay to the beginning, formerly known as the township of Kill von Kull, shall be one municipal corporation, to be known as "The City of Bayonne," and the citizens of the same, from time to time, inhabitants within said boundaries, shall constitute said corporation; they shall have all the powers necessary for carrying out the objects and purposes of this act, and they may have a common seal, alter the name, and by the title of "The Mayor and Council of the City of Bayonne," may sue and be sued in any court of this state.

#### WARD DIVISIONS.

*Be it enacted*, That the said city shall be divided into three wards, in the manner following, to wit: all that part of said township south of the centre line of Linnet street, bounded southerly and easterly to Kill von Kull and westerly to Newark bay, to constitute the first ward; from said line northerly to, and including two lines parallel with said avenue, from New York bay to the third ward of said city, and these divisions shall remain until changed by the mayor and council, who shall have power once in four years, dating from the tenth day of January, eighteen hundred and sixty nine, to revise, alter, or change, in their judgment it is necessary, alter said divisions or the number of said wards.

#### TITLE II.

OFFICERS—HOW ELECTED. TERM OF OFFICE, AND HOW APPOINTED.

*Be it enacted*, That the city officers of said city shall consist of a mayor, a recorder, one chosen freeholder, a city treasurer, a collector of revenue, a city attorney, a city clerk, an overseer of the poor, a street commissioner, a poundkeeper, one or more poundkeepers, one or more city sur-  
geons, and a chief of police; the mayor, recorder and

chosen freeholder shall be elected at the city  
 tion, in manner and form as hereinafter pro  
*Term of office.* election of city officers; the mayor for the  
 years, the recorder for the term of three y  
 chosen freeholder for the term of one year;  
 clerk, treasurer, collector of revenue. city  
 counsel, overseer of the poor, street commissi  
 sessor, one or more poundkeepers, one or more  
 and such other officers as are hereinafter provi  
*How appoint- ed.* be appointed by the council, and by the mayo  
 as provided for in section thirty-five of this  
 chief of the fire department shall be elected an  
 fire department, subject to the approval of th  
 council.

*Ward officers, how elected.* 4. *And be it enacted,* That the ward officers  
 shall be two councilmen, one constable, one co  
 appeals, one supervisor of taxes, and three  
 elections, who shall be elected annually in each  
 charter election, whose term of office shall be  
 except that there shall be but one councilman e  
 ward at each election, and his term of office sh  
 years; and each ward subsequently created, a  
 this act, shall elect councilmen and other office  
 ward, the same as above provided for; except  
 first election for councilmen in said new ward,  
 elected two councilmen, one of whom shall be e  
 year and the other for two years; *provided,*  
*Proviso.* electing inspectors of election not more than  
 ward shall be chosen from one political party;  
 a school trustee elected annually in each ward,  
 election, who shall hold his office for three year  
*Proviso.* that if any person so elected as a ward officer sh  
 in the ward, or shall during his term of office  
 the ward in which he was elected, his office  
 become vacant, and the said vacancy shall b  
 otherwise provided for in cases of vacancy o  
 the councilmen of each ward shall perform su  
 officio, as by the laws of this state devolve on t  
 mitteemen in the townships of this state.

*Annual char- ter election.* 5. *And be it enacted,* That the charter elec  
 held on the second Tuesday in April in each  
 place in each ward designated and appointed for  
 by the board of councilmen, between the hour



and under the same regulations in all things as by law for state elections for members of the

*be it enacted*, That every male citizen of the <sup>who entitled to vote.</sup> ~~ages~~ of the age of twenty-one years, who shall have resided in this state one year, and of the county in which he claims his vote, five months next before the election in the city thirty days before said election, and a month in the ward in which he claims to vote since the first month in which said election is held, shall be entitled to vote for all officers elective under this act; and every person voting shall vote in the ward where he shall reside at the day of election, and in no other ward; and the person or persons receiving the greatest number of votes given in the city for any city office, and the person or persons receiving the greatest number of votes in each ward for an office in that ward, shall be deemed elected to that office.

*be it enacted*, That all future elections to be held <sup>Elections, by whom and how held.</sup> in the city for members of the senate and general assembly of this state, for sheriff, county clerk, surrogate, and judges of the county of Hudson, and for members of the board of electors of president and vice president of the United States, or for any other office of the general or state government, or officer of the said county of Hudson, to be elected by the people, shall be held by the inspectors of elections in the several wards of said city, at the places appointed for holding the city election, by said board of elections on the day or days which now are or hereafter may be designated by law for holding such elections, and such elections shall be conducted by said inspectors in all respects conformable to the laws of this state applicable to such elections in this state, and the said inspectors of elections in conducting all elections hereafter to be held, shall be liable for the same obligations, duties and penalties imposed upon the officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services in all elections as the like township officers are entitled to receive, except as otherwise provided in this act or in any other act; and in case of absence, disqualification or injury of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and every person in said city entitled to vote at such elec-

tions, shall give his vote in the ward in which resides at the time of such election, and not else; any person voting illegally or offering illegally in any such election, shall be subject to the same penalties and forfeitures incurred by persons so offering in the townships of this state.

Inspectors to  
make and file  
statement.

8. *And be it enacted*, That in all elections ward officers of said city, and inspectors of elections of the several wards in said city, in addition to the duties required of them by law, shall make and file a statement of the election in said ward, for what office, the number of votes cast for each person voted for, and the names of the persons so voted for, with the number of votes rejected, which statements shall, within twenty-four hours after the closing of the polls, be filed in the office of the city clerk, who shall within five days thereafter file a copy of such election returns in the office of the county of Hudson.

Vacancies,  
how filled.

9. *And be it enacted*, That in case any vacancy shall occur in any of the city or ward offices, by resignation, expiration of term, or death of the incumbent of said office, in any other manner whatsoever, (except in the office of recorder, or councilman, or in the board of education, or board of councilmen shall fill, by appointment for the unexpired portion of the term; and in the case of such vacancy, happening as aforesaid, in the office of recorder or councilman, the said vacancy shall be filled by a special election, to be ordered by the board of councilmen, the day to be fixed by them, and the same notice shall be given of such special election as is required to be given of a regular city election; *provided*, that in case of a vacancy in the office of recorder, it shall be lawful for any one of councilmen on the nomination of the mayor, or any justice of the peace of said city to act as recorder until such vacancy is filled, as herein provided; and any justice of the peace, when so designated by resolution of the board of councilmen, shall have and exercise all the powers and possess all the jurisdiction of the recorder, whether in civil or criminal cases, as well of cases pending in said court and as of all new matter in said court; and all his acts and proceedings as such recorder shall have the same force and validity as if the same had been performed by himself; but any vacancy occurring in the board

Proviso.



ner whatsoever, shall be filled by a majority vote of the body elect, until the last Monday of April next after the next charter election after the said vacancy in said board of education there shall be elected a successor for the remainder of said unexpired term, and his office shall commence on the expiration of the term of the person so appointed by said board of

*be it enacted*, That the mayor shall be elected for four years, but no person shall be eligible to that office who shall not have resided in said city at least three years, and who shall have attained the age of thirty years; it shall be the duty of the mayor to see that the laws of the state and ordinances of the city are faithfully executed therein, and to recommend to the board of councilmen such measures as he may deem necessary or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested, without process or warrant, any person committing any offence, and to commit for trial, all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; all warrants on the treasurer, all contracts and orders made under the direction or on behalf of said city, shall be before they become valid or binding on the city, or approved by him; and in case of his absence from the city, or his inability to perform the duties of his office, the president of the board of councilmen shall, during such absence or disability, be vested with the powers and exercise the duties of mayor; and in case of the resignation of the mayor, his powers and duties shall devolve upon the president of the board of councilmen until a successor is elected and qualified; and in case of the death, resignation, or removal of the mayor, a special election shall be ordered by the board of councilmen for the election of a mayor; *provided*, three months or more of the term of office shall have expired, *and provided*, that the mayor thus elected shall serve so for the unexpired portion of said term; it shall be the duty of the mayor to nominate to the board of councilmen all policemen or watchmen of said city; and he shall have power to suspend any policeman or watchman,

Mayor, powers and duties.

Proviso.

and he shall report such suspension to the board of councilmen at its next meeting thereafter, with the reasons therefor, and such officer may then be restored or removed from office.

Recorder,  
election and  
term of office.

11. *And be it enacted*, That the recorder shall be elected at the next charter election after the passage of this ordinance, and he shall hold office for a term of three years; he shall have all powers in criminal cases that justices of the peace in and for the several counties of the state now have, and shall have like powers to the mayor, to cause to be arrested and committed to prison, any person guilty, or that he may believe guilty of any crime or misdemeanor or violation of the peace, and to try all causes or complaints arising out of a violation of any ordinance of said city.

Recorder,  
power to issue  
warrants, &c.

12. *And be it enacted*, That the recorder shall have full jurisdiction, and is hereby empowered, on oath, to receive an affidavit made according to law, that any person has or have been guilty of a violation of any ordinance of said city, to issue a process either in the form of a summons or of a warrant, as to him may seem proper, against the person or persons so violating the ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than ten days; that such process shall state what ordinance has been violated and in what manner the same has been violated; and on the return of such process, or at the time when the recorder shall have adjourned the same, the recorder shall proceed to hear the testimony, and to give judgment in the matter without the filing of pleadings; and that the recorder shall, if judgment be given for the plaintiff, forthwith issue execution against the goods and chattels and against the body of defendants; *provided*, that in all cases when the fine or damages shall exceed twenty dollars, or where the punishment is imprisonment, there may be a trial by jury, to be had as in cases now triable by jury, in courts for the trial of civil causes, and also an appeal as in causes where an appeal now be had from judgments in courts for the trial of civil causes; *and provided also*, that in all cases an appeal may be made to the board of councilmen for the removal of the recorder.

Provido.

Provido.



may be inflicted or adjudged; *provided further*, Proviso.  
 shall be imposed exceeding fifty dollars for such  
 no term of imprisonment imposed as a penalty  
 and sixty days for each offence; *and also provided*, Proviso.  
 es and matters pending in the recorder's court at  
 ion of his term, or resignation, or death, or in-  
 erve, shall be continued before his successor, who  
 urisdiction of the same as if such recorder were  
 present; all books and records of said court shall  
 erty of the city, and as such shall be preserved  
 rred by the recorder to his successor.

*be it enacted*, That the officers empowered to serve Policemen  
may serve  
process.  
 ed by the recorder shall be, besides the constables  
 appointed within said city, the policemen of the  
 at said process shall be returned in the same  
 far as circumstances may permit, as warrants for  
 f persons issued out of the courts for the trial of  
 s are returned, and that the defendant or defend-  
 therein shall, if the recorder sees fit to adjourn  
 of the charge made, and so orders, enter into  
 e as near as may be in the manner directed in the  
 he trial of small causes, in the amount of penalty  
 he process, or any proceedings to be brought for  
 y of the same, with such surety as may be ap-  
 e the recorder, unto "The Mayor and Council of the  
 yonne," for his or their appearance on the day to  
 hearing may be adjourned, and in default of such  
 the said recognizance may be prosecuted and  
 the same manner as the same might have been if  
 cognizance had been taken in a proceeding in  
 he trial of small causes.

*be it enacted*, That in all cases in which persons Writs of cer-  
tiorari.  
 certioraris to remove the order, proceedings, or  
 iven or made by the said recorder, it shall be  
 he said recorder to charge and receive before de-  
 e return thereto at the rate of ten cents per folio  
 e.

*be it enacted*, That no justice of the supreme Parties apply-  
ing for certio-  
rari to enter  
into bond.  
 grant or allow any certiorari to remove any order,  
 or judgment to be had or made by the recorder  
 y, unless the party applying for such certiorari  
 into bond with "The Mayor and Council for the  
 yonne," in the sum of one hundred and fifty dol-

lars, with one or more good surety or sureties that such applicant shall prosecute such certiorari to the supreme court, shall pay the penalty recovered by said recorder, with interest and costs, if the same be affirmed, and shall in all things stand by and obey the judgment of the supreme court respecting the order or judgment given or made by said recorder, which shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court, to the benefit of the said mayor and council, and on failure to do so no certiorari shall be allowed.

Costs, by  
whom paid.

16. *And be it enacted*, That if any proceeding be reversed by the supreme court, the plaintiff in certiorari shall be liable for all costs on such suit in the supreme court, and if such proceedings be reversed, then the plaintiff shall not be entitled to pay any costs.

Treasurer, du-  
ties of

17. *And be it enacted*, That the treasurer shall safely keep, and disburse, under the direction of the councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the councilmen, signed by the mayor and council, and countersigned by the city clerk; and no warrants on the city treasury shall be authorized, except in pursuance of an order passed at a stated meeting, and entered in the minutes, and such warrants shall be made and numbered in the order of the persons to receive the same, and for what purpose the amount therein mentioned shall be paid.

Duties of city  
clerk.

18. *And be it enacted*, That the city clerk, in addition to the duties required of him in this act, and by any act of this state, have charge of all the records and documents of the city, except when the said clerk is otherwise directed by ordinance; he shall keep a book of the proceedings of the board; he shall engross all ordinances in a book to be provided for that purpose, with proper index, which book shall be deemed a public record, and each ordinance shall be signed in the presence of the mayor, or acting mayor, and said clerk; he shall file in the office of the city clerk all papers duly filed in the office of the city clerk, and of the records and proceedings of the board of councilmen, and copies of the laws and ordinances of said city, certified by said clerk, under the seal of the city.



dence in all courts and places, that all the books of the said board of councilmen have caused their by-laws to be recorded, and such other book record or records as shall be by them provided, taken and received as evidence in all courts and the due passage by said board of any and all ordinances and by-laws so recorded shall be to have been regularly introduced, passed and publishing to the requirements of the provisions of this act. The city clerk shall receive and pay over to the treasurer all moneys which by any law or usage are due to the clerk of said city, and all the records and proceedings aforesaid shall at all convenient times be open to the inspection of any citizen of said city.

*be it enacted*, That the overseer of the poor shall perform such duties as by the laws of this state, now applicable to the overseers of the poor in the city of New York, subject to the provisions of this act, and to the ordinances passed by virtue thereof; and in addition thereto perform such other duties as the board of aldermen shall fix, designate and establish; the street commissioner and city surveyors shall respectively perform the duties as are provided by law and the provisions of this act, and the ordinances, by-laws or regulations of said board, as may be adopted by virtue thereof.

*be it enacted*, That it shall be the duty of the collector of the revenues for said city to receive and collect all the revenues to said city, whether for taxes, assessments, arrearages, or otherwise, and he shall do and perform all the duties which the said board may, by ordinance prescribe, and ordain; and it shall be his duty to keep a full and true record of all his proceedings affecting the revenue of the city, and at the end of each and every current year the said record shall be filed in the office of the city clerk; and the collector of revenue shall pay over all moneys received for the city, as soon as collected, to the treasurer of the city, who shall pay over to the treasurer of the state or the collector of Hudson county, the full quota of taxes and duties by law to be raised in said city for state and county purposes, so far as the same may have been collected.

*be it enacted*, That the constables, chosen freeholders, surveyors, poundkeepers, commissioners of appeals

Overseer of  
poor.

Collector of  
revenues.

Duties of om-  
cers.

and inspectors of elections, and tax assessor and collectors of taxes in the several wards shall perform the duties of such officers by law in the several townships and the ordinances of said city.

Persons elected or appointed to take oath.

22. *And be it enacted*, That no person elected to any office in pursuance of this act, or any law of the board of councilmen, shall enter upon the discharge of his duties unless within twenty days after his election or appointment he shall take and subscribe before the city clerk, or some other person authorized to administer oaths, the oath or affirmation faithfully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths and affirmations on file in his office, and the oath of the city clerk shall be filed by the mayor; and if any such person elected or appointed to take such oath or affirmation for twenty days after election or appointment, or shall neglect, within twenty days, to give such security as may be required by law, he shall be considered as having declined such office, and the same shall be deemed vacant.

Failure to take oath of office declared vacant.

Official terms.

23. *And be it enacted*, That the official term of all persons who shall be elected in pursuance of this act, shall commence on the last Monday of April next after their election, and they shall continue in office unto the expiration of their term; and that the official term of the several persons appointed by virtue of this act for said term shall commence on the first Monday of May in each year, in cases otherwise provided for in this act; and they shall continue in office until the end of their term, unless otherwise appointed and qualified in their place, unless otherwise herein provided.

Officers to give bonds.

24. *And be it enacted*, That the city clerk, treasurer, collector of revenue, and such other officers as the board of councilmen may by ordinance or resolution direct, before they enter on the duties of their office, give and subscribe to the city, in its corporate name, in such sums and with such securities as the said board may approve, for the faithful performance of their duties; and all constables shall give and subscribe to the city in the manner required by law, with such securities as the board may approve, for the faithful performance of their duties.

Justices of the peace.

25. *And be it enacted*, That for the election of



each ward shall be considered a township, and titled at least to one justice of the peace.

*be it enacted*, That all fines inflicted by ordinance shall, when received, be paid into the city trea- Fines, where paid.

*be it enacted*, That if any person, having been an officer in said city, shall not, within ten days after he shall be removed from the office, and upon notice by the city clerk, or within such reasonable time as the board of councilmen shall allow, deliver to his successor in office all property, books and papers appertaining to such office, in his possession or under his control, he shall forfeit and pay the sum of five hundred dollars, to be sued for and recovered with costs. Officers to deliver books and papers to successor.

### TITLE III.

#### POWERS AND DUTIES OF THE BOARD OF COUNCILMEN.

*be it enacted*, That the legislative power of the city shall be vested in the board of councilmen; they shall annually elect one of their number to be president and in his absence shall elect one of their number for the time being, appoint the time and places to meet, determine and establish the rules of their own proceedings, be the sole judges of the qualifications of their members, keep a journal of their proceedings, pass ordinances and resolutions pertaining to the purposes of said corporation, and necessary and proper to carry out the provisions of this act, and may expel a member for disorderly conduct or a violation of their rules, and no business shall take place except by a vote of two-thirds of the members elected, nor until the delinquent member has had an opportunity to be heard in his defense. Board of councilmen.

*be it enacted*, That every ordinance of the common council and every resolution of the common council for the interests of the city, shall, before it takes effect, be duly certified, to the mayor, and the report of the mayor shall be conclusive evidence that the said ordinance has been so presented to the mayor; if he approves, he shall sign it, if not, he shall return it with his reasons. Ordinances and resolutions to be approved by the mayor.

objections, and file the same with the clerk v  
after he received it, and the said board shall,  
lar meeting thereafter, order the objections t  
large on its journal, after which it shall proce  
the same, and if two-thirds of all the membe  
pass the same, it shall take effect as a law, bu  
case the vote shall be taken by yeas and nays  
the journal, and if such ordinance or resoluti  
so returned by the mayor within ten days  
ceived it, it shall become a law in like mann  
signed it; *provided always*, that each and eve  
passed as aforesaid, shall be published for t  
days, in two newspapers circulating in said ci  
by resolution of the city council, before said  
go into effect; *provided also*, that no ordinan  
shall be enacted or passed by the said board  
unless the same shall have been introduc  
said board of councilmen at a previous stat  
shall have been agreed to by a majority of th  
cilmen.

Proviso.

Proviso.

Councilmen  
may make ar-  
rests.

30. *And be it enacted*, That every council  
the power, and it shall be his duty, without wa  
or cause to be arrested, any person or person  
presence in disturbing the public peace or vie  
of the state or ordinance of the city, for the  
good order or morality, and to bring or cause  
persons to be brought before the recorder or  
peace, to be dealt with according to law.

Statement of  
receipts and  
expenditures  
to be printed.

31. *And be it enacted*, That the said bo  
first Monday of April in each year, cause to  
statement of all receipts and expenditures o  
tion for the fiscal year preceding, which stat  
clude all moneys which have passed through t  
treasurer for any purpose whatever, together  
ent sources of revenue, and the amount recei  
with all such other information as may be nec  
understanding of the financial concerns of th  
it shall be the duty of the city clerk to  
printed statements among the people of said ci  
a copy of said statement to every citizen up  
for the same.

Quorum and  
special meet-  
ings.

32. *And be it enacted*, That a majority  
councilmen shall constitute a quorum for the



a smaller number may adjourn from day to day the attendance of absent members; the said board shall hold meetings at least twice in each month, at such places as they may appoint in said city, but any two councilmen may call special meetings, and give notice to each of the members served personally, at his usual place of abode, at least twenty-four hours before the time appointed for such meeting.

*be it enacted*, That resignations of any office held by any officer or officers of this act may be made to the board of councilmen.  
Resignations to be made to council.

and said board may fill vacancies in office, as provided in this act; that any officer except the mayor may be removed from office for cause by resolution of the said board.  
Officers, how removed.

*And it is provided*, that no such removal shall take place until the officer to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the board vote therefor, and in cases of any such removal, the minutes shall be entered upon the minutes.  
Proviso.

*be it enacted*, That no councilman shall be surety for the faithful performance of any contract with said city; and no member of said board shall become security for any person elected or appointed in said city, and no member during the period for which he was elected, be appointed competent to hold any other city office or ward office in the city of Bayonne, the pay or emoluments of which shall be paid from the city treasury.  
Councilmen not to become surety or hold any other office.

*be it enacted*, That the board of councilmen shall have the power to appoint by a majority of the whole number of said board of councilmen, a city clerk, a city collector of revenue, city attorney, city counsel, a city auditor, the poor, street commissioner, tax assessor, one or more city surveyors, and such other officers not herein named, as they shall deem necessary for the better ordering and governing the city, and carrying into effect the powers and duties conferred upon the said board of councilmen; and the appointment to office made by the board of councilmen, with the exception of that of city clerk, shall, before being made, be submitted, duly certified, to the mayor, and if approved by him, he shall do so in writing; and if he shall not approve it, he shall notify the council thereof, with his objections, and file said notice with the clerk of the board within six days after he receives notice of said ap-  
Officers, how appointed.

*And it is provided*, that the board of councilmen shall have the power to appoint by a majority of the whole number of said board of councilmen, a city clerk, a city collector of revenue, city attorney, city counsel, a city auditor, the poor, street commissioner, tax assessor, one or more city surveyors, and such other officers not herein named, as they shall deem necessary for the better ordering and governing the city, and carrying into effect the powers and duties conferred upon the said board of councilmen; and the appointment to office made by the board of councilmen, with the exception of that of city clerk, shall, before being made, be submitted, duly certified, to the mayor, and if approved by him, he shall do so in writing; and if he shall not approve it, he shall notify the council thereof, with his objections, and file said notice with the clerk of the board within six days after he receives notice of said ap-  
Appointments to be approved by mayor.

pointment, and if two-thirds of all the members at the next regular meeting thereafter, on receipt thereof, vote in favor of said appointment, it shall be legal to all intents and purposes; and if the appointment made by the board of councilmen is returned by the mayor within six days after it has been submitted to him, the said appointment shall be valid in like manner as if he had approved it.

Vacancy, how filled.

36. *And be it enacted*, That whenever a vacancy shall occur in the office of the mayor by reason of death, resignation, or otherwise, shall be filled by the board of councilmen, the appointment to which is to be made by the board of councilmen, by virtue of the thirty-fifth section of the charter of said city, act. the mayor shall have authority to appoint a person to fill such office, who shall hold the office to the end of the term for which he shall be so appointed until the board of councilmen shall have appointed some person to fill such vacancy, and until the person so appointed by the said board of councilmen shall have taken the oath of office and performed the duties of said office, or until he shall be removed by the mayor; *provided*, that no person who shall be appointed by the mayor to fill any vacancy as aforesaid shall be entitled to receive any salary upon the discharge of the duties thereof until he shall have entered into such bonds as may be required by any ordinance of said city or resolution of the board of councilmen, which bonds shall have been first approved by the mayor.

Proviso:

No officer to be interested in any contract, sale or purchase.

37. *And be it enacted*, That no officer holding office under the provisions of this act, shall, during the term of his office, be directly or indirectly interested in any contract, work, business, sale or purchase, in regard to which any money may be at any time required to be paid to or by any department thereof, or by any tax levied upon any person or property within said city, or in any case in which this act expressly directed; and in case any person shall enter upon any such contract, work, business, sale, knowing that any such officer is interested in the same, in violation of this section, such person shall not be entitled to receive any benefit by reason thereof, and in case any such person shall receive any benefit by reason thereof, the same or its equivalent may be recovered back by the city from such person, his executors or administrators, by a suit in action on the case, to be commenced within six months thereafter in any court having cognizance of the same, or in any sale or transfer made by said city in which



interested, as aforesaid, shall be void as to all  
of such interest; and any such officer in-  
olation of the true intent and meaning of this  
be liable to indictment and impeachment there-  
feasance in office.

*it enacted*, That the board of councilmen shall  
o fix the pay, salary, or compensation of the  
order, treasurer, collector of revenue, commis-  
essments, overseers of the poor, street commis-  
ors, constables, poundkeepers, commissioners  
y attorney, city counsel, tax assessor, super-  
inspectors of election, policemen, and other  
officers; and the salary or compensation of  
officers which has once been fixed as aforesaid,  
creased during the continuance of his term of

Council to fix  
the compensa-  
tion of officers.

*it enacted*, That it shall be the duty of said  
ance or ordinances, to prescribe and define  
establish all needful regulations for the govern-  
ers in the different departments of said city  
d to require any of them to make returns and  
d periods during the year, and the payment  
asury of all money, fines, penalties, or from  
e not herein otherwise provided for.

Ordinances to  
prescribe du-  
ties, &c.

*it enacted*, That the said board of councilmen  
itle, "The Mayor and Council of the city of  
e power to pass, enforce, alter and repeal  
ake effect within said city, for the following

Adopt and re-  
neat ordi-  
nances.

ut, extend, open, widen, vacate, alter, grade,  
establish, alter and regulate the grade and  
streets, avenues and roads, side and cross-  
ain and establish the boundaries of all streets,  
l roads in said city, and to authenticate any  
pvements by maps or otherwise; *provided*,  
e powers contained in this section as were  
act entitled "A Further Supplement to an  
Act authorizing the appointment of com-  
out and map streets, avenues and squares  
ergen township south of the Morris canal,  
Hudson," approved the sixteenth day of  
hundred and fifty-seven, which supplement  
pril seventh, eighteen hundred and sixty-

To lay out,  
open, &c.,  
streets and  
roads.

Providso.

eight, and any supplements thereto, upon the expiration of the term of office of said commissioners, commonly known as the map commissioners and township committee, shall continue in force until the expiration of the term of office of said commissioners and the said board of supervisors, and after the expiration of the term of office of said commissioners, the mayor and council shall exercise the powers conferred by said act and any supplement thereto upon said commissioners and township committee. This act and any supplement thereto shall then continue in force except as amended or modified by the provisions of this act, or amended by the legislature.

To pave, curb,  
and gutter.

[2.] To pave, macadamize, gravel, curb, and gutter streets, avenues and roads, to construct and maintain sewers and drains in and from any, or in any part of the public streets, roads, alleys, places, and private grounds in said city, and to construct receiving basins.

Crosswalks.

[3.] To lay sidewalks of flag stone or other material, to lay out crosswalks of stone, to reset the curbs of the streets and roads, or any part thereof.

Water and  
gas pipes.

[4.] To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads thereof in said city.

Nuisances.

[5.] To declare what shall be considered a nuisance on streets, roads, lots, and places in said city, to remove all encroachments, encumbrances, and obstructions from any street, road, sidewalk, lot or places in said city, and to provide for the removal or disposition of such encumbrance in or upon streets and roads.

Use of streets.

[6.] To secure in every respect to the public the safe and convenient use of streets, sidewalks and public places, for the purpose of travel, and are or may be laid out or dedicated in said city.

Driving of  
cattle.

[7.] To regulate and control the driving of teams or other animals in droves, through such streets as they shall prescribe.

Building of  
docks, piers,  
&c.

[8.] To order and regulate the building of wharves and docks in and about said city, and to regulate when built, and the rates of wharfage, and to make laws and regulations touching the same, not inconsistent with the laws of this state and of the United States.



may appear proper and necessary, and in the any such docks, piers or wharves, if more land is than may be necessary for the use of such wharf, or dock, to lay out proper streets upon the same.

to make and adopt an assessment map, whereby to be assessed for taxes and improvements.

to make and adopt a general plan of sewerage and drainage.

in said city, or any part or parts thereof, conform- with all sewers, drains, receiving basins, and all enances of public drainage shall be constructed, and vary the same.

to prevent horses, cattle, sheep, swine, dogs, goats, and all other animals from running at large, and to prevent impounding and sale of the same.

to prevent immoderate and fast driving in the streets, and animals, and driving over or upon sidewalks, and the planting and protecting of shade trees.

to prevent riots, disturbances, and disorderly assemblages in the streets, or in any house or place in said city, and to suppress all gaming houses, and to prohibit, and to restrain and punish all mendicants, street beggars, and common prostitutes; to suppress and immorality.

to license and regulate or prohibit, inns or taverns, beer saloons, and to prohibit all traffic in or carrying of intoxicating drink or drinks, to license, regulate and control beer saloons, bowling alleys, peddlers, hawkers, peddlers, slaughter houses and markets, on such terms and under such regulations or penalties as the said board may by ordinance impose, and no other license for peddling within said city, granted by any other authority, shall be valid, except licenses granted by the governor to peddlers.

to license and regulate cartmen, porters, hack, cab, stage and truck owners and drivers, carriages and vehicles for the transportation of passengers and merchandise or articles of any kind, (or to authorize the board to grant such licenses, and to require the owners to comply in such manner as the board of councilmen may determine,) auctioneers, common criers, pawnbrokers, scavengers, sweepers, sweeps and scavengers, and to fix the compensation to be allowed to them, and to prohibit persons from acting in such capacities.

Assessment map.

Sewerage and drainage.

Running at large.

Fast driving.

Riots.

To license beer saloons, inns and taverns, &c.

Cartmen, porters, hackmen, &c.

Public build-  
ings

[16.] To manage, regulate, control and protect the property of the city, and all public buildings, erecting and maintaining the same, and to regulate the use of the same.

Day and night  
police.

[17.] To establish, regulate and control a police, and to regulate and define their duties and station; to provide suitable and proper police stations, and all necessary rooms and cells for the criminals, offenders, or persons under arrest.

Fire depart-  
ment.

[18.] To establish, regulate and control a fire department with power to exempt its members from military service, of peace, and from serving as jurors in courts of small causes, and the mode of their appointment; to provide fire engines, apparatus, and tools, and for the purpose of guarding against fire, and for the safety of firemen; to regulate the manner of building dwelling houses and other buildings, and of placing steam engines, engine chimneys, pipes, and all matters connected therewith, and of lights in stables, and the manufacture and keeping of gunpowder, petroleum, fireworks, and all other dangerous and combustible articles; to provide water for extinguishing fires, to limit the height, and prevent in certain limited time to time prescribed by ordinance, the erection of buildings.

Street lamps

[19.] To provide street lamps for, and to light them either by gas or other material.

Board of  
health.

[20.] To provide health laws, and to establish a board of health.

Shooting of  
birds.

[21.] To prevent the shooting or trapping of birds within the limits of said city; to punish by fine or imprisonment, or in the lock-up of said city, or both, all violators of any ordinance authorized by this act, and to provide for the execution of which they may judge necessary to carry into effect the objects and purposes of said city corporation, and to exercise all the powers provided in this act.

Bathing, and  
exhibitions.

[22.] To regulate or prohibit interments within the city, and bathing within adjacent waters; the exhibition of caravans, theatres, circuses, or all other like exhibitions, the firing of guns, firecrackers, or other fireworks, and the use of fireworks.

Weights and  
measures.

[23.] To provide for the appointment and compensation of inspectors of seals, weights and measures, and



and compensation, and to enforce the keeping of weights and measures.

regulate the numbering of houses and lots in the avenues of the city. Numbering of houses.

regulate the use of streets, avenues and public not passengers, vehicles, railways and engines, and engines. Use of streets.

*be it enacted*, That whenever any ordinance shall be by the board of councilmen for making any improvement or performing any work under and by virtue of the provisions of the fortieth section of this act, or either of the provisions thereof, all further acts and proceedings shall be necessary for the council to take to carry out the improvements or work to completion, and all orders heretofore made, shall be by resolution and not by ordinance. Acts and proceedings, when to be done by resolution.

*be it enacted*, That the board of councilmen may by ordinance, that the city shall pay one third of the cost of paving avenue S and avenue D of said "Belgian" block, macadamizing, or with such other material as the property holders on the line of the city may desire, and such payment shall be made out of the funds of improvement bonds or stock to be issued by the city. City may pay one-third cost and expense of paving.

with interest thereon, not to exceed seven per centum per annum, payable semi-annually, to run not less than twenty years; and the said bonds or stock to be sold at public or private sale, or paid to contract not less than ninety-five per centum of their par value at the times and in such amounts as directed by resolution of the board of councilmen; and for the purpose of issuing bonds or stock, and the interest thereon as the same shall become due; the mayor and council of the city of New York are hereby authorized to assess and collect annually, a tax to pay the interest thereon each year, and to appropriate a proper sinking fund for all or any portion of said tax, which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer, and the payment thereof in the same manner as other taxes; and the tax shall be kept separate and distinct from all other taxes. May issue bonds.

*be it enacted*, That in all cases in which persons shall be brought by writs of certiorari to remove the proceedings of the board of councilmen, it shall be lawful for the city clerk to issue writs of certiorari. Charge on writs of certiorari.

to charge and receive from the parties bringing, or presenting the same, at the rate of one cent per folio for the necessary return thereto, in lieu of charges.

## TITLE IV.

## OF TAXES AND COLLECTION.

Taxes and  
collections.

44. *And be it enacted*, That it shall be lawful for the councilmen to raise by tax every year, so much as they may deem expedient for the purpose of lighting the streets, supporting a day and night police, supporting streets and roads, supporting and maintaining prisons and lock-ups, for contingent expenses and other purposes authorized by this act, and that the councilmen directing the raising of said tax, shall set forth a specification required for each object, and that the expenditure of said specification shall be confined to the objects therein specified, and be appropriated to no other, which tax shall not exceed in any one year fifteen mills on the dollar of the valuation of the property assessed, except obligations for lighting the streets; and every male resident over the age of twenty-one years, shall be assessed with a tax of one dollar, as a poll tax, to be applied for the purpose of public schools; and said board may borrow such sum of money in anticipation of taxes as may be necessary, and may secure the payment thereof by bond or other security, under the common seal and signature of the mayor, and by the city clerk, but it shall not be lawful for the city to raise any such sum of money by loan unless the same shall be provided for from taxes to be levied in the city in the same year.

Lamp districts

45. *And be it enacted*, That the board of councilmen shall establish, by ordinance, certain limits in said city for lamp districts, and shall, in directing taxes to be levied every year, designate how much is to be raised for the purpose of lighting the streets, and shall provide that such sum shall be assessed on property lying within each district, and the board of assessors shall assess such tax in proportion to from all other taxes, in the manner aforesaid, so that one-fourth of the expense of lighting a

Proviso.



may be paid by the city and collected in the general

and be it enacted, That the tax assessor and the Board of assessors to make assessments and assess taxes. Board of assessors to make assessments and assess taxes.  
rs of taxes shall constitute a "board of assessors;" for the purposes of the state, county and city shall be by said board in the manner, and within the time, by the laws of this state, for assessing township, and state taxes, or by the provisions of this act, or of finance adopted in accordance therewith; in order that equitable valuations may be established for all portions of the city, the tax assessor aforesaid (with the assistance of the other members of the said board, whose duty it is to aid him in the work, in their respective wards,) prepare, on or before the first day of July of each year, complete lists of assessments upon all property, real and personal, within the said city; and the said board shall prosecute said work by frequent meetings, at short intervals, until the same is complete; and it shall require a three-fourths of the members of said board to establish or correct each and every valuation in said lists of assessments; when the valuations aforesaid are completed, the board of assessors shall give notice in the official papers published in said city, and said lists shall be open for examination at least ten days thereafter, at the office of the tax assessor, and said tax assessor shall be present at such time to receive objections to said valuations, which shall be made in person and in writing, and each person taxed therein shall be at liberty to examine said lists, in reference to his own taxes, until the first day of October following; and the board may, after hearing an application therefor, by a three-fourths of the whole number of said board, amend or correct said assessment in such manner as they may consider just and proper; it shall be the duty of said board to assess upon the valuations in the aforesaid lists, a sum sufficient to produce the amount necessary for the payment of county taxes, and for the sums required by ordinance to be raised for city purposes; and the board of council of said city shall in no case have power to remit or reduce taxes so assessed in said city; the tax assessor shall have power to administer oaths or affirmations to the discharge of his duty, or the duties of the said board, under this act, and all taxes so assessed for city purposes shall be collected by the collector of revenue, in the same

manner as he is by law directed to collect town and state taxes, and shall be paid over by him to the treasurer as soon as collected, and all taxes shall be paid to said collector at his office in said city, upon his receipt therefor through the official newspapers circulating in said city, by notices posted in twenty public places, that such taxes are due and payable.

Collector of  
revenue to  
make out list  
of delinquents

47. *And be it enacted*, That the collector of revenue of said city, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of all delinquents, with the amount of taxes due from them respectively, and shall deliver the same to the clerk of the city, on or before the thirtieth day of December in each year, except when said day shall fall on Sunday, in which case on the next day following; and it shall be the duty of the said clerk to lay the same before the board of commissioners at a meeting thereof held next after the same shall be delivered to him, and thereupon the said board shall deliver the same to a justice of the peace of the city, who shall issue a tax warrant thereon, as provided by law for the collection of taxes in townships, which shall be directed and returned to the collector of revenue, who shall have power to execute the same, in like manner, in all things, as the constables are directed by law, but such collector shall not execute the same until he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor or city clerk, or justice of the peace in said city, that the moneys in said list have been duly demanded, or due notice given at the proper places of residence of such delinquents who could not be found, or may then reside in said city.

If taxes are  
unpaid interest  
to be  
charged.

48. *And be it enacted*, That whenever, in said city, any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for, and it shall be the duty of the collector of revenue to charge, collect in addition to the amount of said tax, interest on the same to be computed at the rate of twelve per centum from said twentieth day of December until the same is paid, and on all taxes due and payable which remain unpaid on the fifteenth day of February in any year, an addition of five per centum shall be added and such penalty shall be paid over by the said collector of revenue to the treasurer of the city, in like manner and at the same time as



pay over to said treasurer all taxes by him col-

*be it enacted*, That personal taxes and taxes upon  
 attels which shall hereafter be levied or assessed in  
 Bayonne against any person or persons, shall be and  
 on all the lands, and real estate of such person  
 within the said city; and all taxes and assessments  
 hereafter be levied, assessed or made upon any  
 tenements or real estate, situate in the city of Bayonne,  
 remain a lien thereon until paid, notwithstanding  
 descent, alienation, mortgage or other en-  
 encumbrance; and that if the full amount of any such  
 assessment shall not be paid and satisfied within the  
 time appointed by the said board for the payment  
 thereof, it shall and may be lawful for the said board to cause  
 the said tenements or real estate to be sold at public  
 sale on the shortest term for which any person will agree  
 to purchase the same, and pay such tax or assessment, or the  
 amount thereof remaining unpaid, with the interest and  
 costs, and all costs, charges and expenses, and to  
 affix the common seal of said city a declaration of  
 assent to be signed by the mayor and city clerk, and to  
 deliver the same to the purchaser, and such purchaser, his  
 administrators or assigns, shall, by virtue thereof,  
 lawfully and enjoy the said lands, tenements or real  
 estate and their proper use against the owner or  
 owners and all persons claiming under him or them.  
 The term shall be completed and ended; but said  
 board shall have caused said sale to be advertised for at  
 least ten days in at least two newspapers circulating in said  
 city, and by advertisement in the county of Hudson, and by adver-  
 tising in at least five public places in said city, which  
 advertisements shall describe said lands, tenements or real  
 estate, specify the amount of the assessment or tax, and  
 that such declaration of sale shall be prima facie  
 evidence in all courts and places of the assessment, advertis-  
 ing; *provided*, that the lands, tenements or real  
 estate may be redeemed by the owner, mortgagee,  
 or person interested therein, or by any other per-  
 son on behalf of the owner, mortgagee or claimant of  
 the said tenements or real estate, at any time within two  
 months after the sale, for either taxes or assessments or for  
 interest due to the treasurer of the city, for the use of

Taxes unpaid  
to remain a  
lien.

Lands to be  
sold for non-  
payment of  
taxes.

Sale to be ad-  
vertised.

Proviso.

the said purchaser, the purchase money, together with other sums paid for taxes or assessments which the purchaser may have paid chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto, and the certificate of the treasurer of the city, stating such payment, and the lands, tenements or real estate such payment is to redeem, shall be evidence of such redemption. The mortgagee shall have power to redeem at any time after the expiration of the six months' notice herein specified. The mortgagee whose mortgage shall have been duly recorded shall have no sale for any tax or assessment shall be affected by such sale unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, personally, or if not to be found in said city, directed to his last known place of residence, or at the post office nearest thereto, but nothing herein contained shall be construed as to impair the lien created by such tax, assessment or sale, that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence to run against said purchaser or those claiming under him, his heirs or assigns, in possession to said land, tenement or real estate, shall be the years limited for the redemption of the same specified; and the said purchaser or those claiming under him shall at the expiration of such a declaration of sale surrender the said lands, tenements or real estate to the state and condition as when he entered thereon, and accidents excepted.

Sale may be adjourned.

50. *And be it enacted*, That the said sale of tenements or real estate for assessments or taxes, if adjourned or postponed from time to time, or suspended by the said board may direct; and if at any sale the whole thereof, shall remain unsold for want of purchaser, the said board shall be lawful for the said board to adjourn the said sale for not more than thirty days, nor more than sixty days; and notice, at least, shall be given, as aforesaid, of the said adjournment of said sale; and if at the adjourned sale there be no purchaser of said lands, tenements or real estate, then it shall be lawful for the said board to resell the same by public sale, for the use and benefit of the city of Bayonne, subject to the same conditions as herein provided for; and all moneys paid

Treasurer may purchase for use of city.



said lands, tenements or real estate as aforesaid, such taxes and assessments paid by a mortgage creditor, shall be a lien on said lands, tenemental estate for the amount so paid, with interest at seven per centum per annum, and said lien shall have preference over all other liens on said lands, tenemental estate; and on foreclosure of any mortgage by the mortgagee redeeming, shall be directed to be made out of the proceeds of the sale, and on the sale of said lands under any such mortgage, shall be paid out of the proceeds of the sale, and a record of all taxes and assessments shall be kept in the clerk's office, which record shall contain the time when assessments and taxes were laid, the time when the property has been sold therefor, and if the property has been sold therefor, sale, to whom sold, and if redeemed, when and by

Money paid to remain a lien.

Records to be kept.

*be it enacted*, That it shall be the duty of the city clerk to keep a book to be called "record of sales," all of sales as aforesaid, to give certificates of search to any person or persons applying for the same, to cancel such declarations when the property for which the same were given shall be redeemed, on the certificate of the treasurer of such redemption, and to file such certificates in the clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one to be given to the person redeeming and one to be filed in the said office.

Record of sales.

*be it enacted*, That it shall be the duty of the city councilmen to give notice of the expiration of the time for the redemption of all lands sold for assessment as aforesaid, by virtue of this act, by advertisement in the public newspapers sixty days next preceding the expiration of the time so limited for redemption, specifying the lands to be redeemed and the amount due thereon.

Notice to be given for redemption of lands.

*be it enacted*, That all real and personal estate shall be liable to taxation, except mortgages on real and personal property therein, which said mortgages shall be exempt from taxation in the hands of any citizens of the city, and the amount of such mortgage shall not be determined by the value of the taxable property within said city.

Mortgages on real and personal estate exempt from taxation.

*be it enacted*, That all taxes shall be assessed and collected in said city in the manner prescribed in the act to that effect.

Taxes to be assessed and collected.

this act, and no act shall be deemed to repeal a section, unless expressed in such act to apply to Bayonne, by name.

## TITLE V.

### OF COMMISSIONERS OF STREET IMPROVEMENTS.

Commissioners of street improvements.

55. *And be it enacted*, That it shall be lawful be the duty of the board of councilmen to appoint persons, who shall be residents of different wards of said city, to be called commissioners for street improvements, and they shall subscribe the oath required by this act, and shall annually for the term of one year, as provided in thirty-five of this act; and in case any one of said board of commissioners of assessments is interested in any assessment or improvement, the councilmen shall appoint some discreet and independent holder or freeholders residing in said city, to said board of commissioners of assessments in lieu of commissioner or commissioners so interested, and the appointed shall take and subscribe the oath required by this act.

Powers of commissioners.

56. *And be it enacted*, That said board of commissioners for street improvements shall possess and exercise the powers in this act prescribed, in all cases and matters referred to them by the board of councilmen under the authority of the mayor and council of said city, but this act shall not apply to any proceedings in cases of such improvements now in the hands of commissioners heretofore appointed, but all such proceedings heretofore referred shall be continued and concluded by the commissioners to whom they are now referred, the same as if this act had not been enacted.

Acts, &c.

57. *And be it enacted*, That all acts requiring to be done by said commissioners of assessments shall be valid and effectual, if the same are approved by the board of councilmen, but each commissioner of assessments shall be present at the time and place of meeting to consider the same.



## TITLE VI.

## IMPROVEMENTS AND ASSESSMENTS THEREFOR.

*It be it enacted*, That it shall be lawful for the councilmen, by ordinance, to open, extend or widen any street or avenue, or any part thereof in the city, in the same manner, and not otherwise: on application in writing to the said board of councilmen, setting forth the nature of the improvement desired, and the petitioner or petitioners for such improvement shall deposit with the city clerk such sum of money as said board shall direct, being sufficient to cover the expense to be incurred, in case such improvement shall not be ordered; if said board shall favor the application, the same shall be advertised by the board of councilmen in the official newspapers circulating in said city, for at least one week before the ordinance is passed to carry the same into effect, which ordinance shall be referred to the committee on assessments, and a city surveyor, not interested in the improvement, who shall thereupon make a map of the improvement, showing the real estate to be taken therefor, and all the property which, in the judgment of said surveyor, will be benefited thereby, designating each parcel on said map by a number; said commissioners shall ascertain, so far as practicable, the names of the owners of the said real estate to be taken, and property to be taken, and the interest of each of the owners of real estate to be taken, and when such names or estate are not known, they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by the improvement, considering in such appraisal the condition of each owner's parcel of real estate will be left after the improvement, and as much thereof as will be required for the improvement; where the estates in any plot of land are unknown, said commissioners shall appraise the value of, or the damage done to the interest of, said real estate; said commissioners shall also estimate all other damages likely, in their judgment, to attend the completion of the improvement; *provided*, that where the line of such improvement would bisect any building, the said commissioners shall determine, as shall seem to them most just, to take the building up, and require the owner or owners thereof to move it back from the line of improvement, in case the owner or owners

Opening, extending and widening streets and avenues.

Proviso.

thereof have land enough left for that purpose, praisement shall be made accordingly; said c shall also estimate the amount likely to be realized from the sale of any buildings or parts of buildings to account of said improvement, and shall so deduct the probable net cost of making the improvement; net cost they shall then assess upon the land to be improved in proportion to the benefit to be received; they shall, under their hands, make a report of the improvements obtained, and of the appraisements, estimates, deductions and assessments made by them concerning said improvements, and shall file such report and map with the city clerk twenty days after the reference to them, or within such other time as said board of councilmen shall grant; the said clerk shall give notice of the filing of said report, in the official newspapers circulating in the city, in the space of two weeks, and by at least five notices along the line of said improvement; and the city clerk shall give written or printed notice to each of the known owners of land to be assessed therefor, which notice shall contain a description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and the time and place when and where the said board of councilmen, or a committee thereof, will meet to hear and consider any objections to said report, or to the assessment, which may be presented in writing, the time for presenting such objections being not less than ten days after the expiration of said two weeks; and all objections made within said time and place, presented in writing, said board of councilmen shall consider and adjudicate upon, and the said map shall be returned to said commissioners of public improvements by resolution of the council, and the awards made in said report shall be corrected according to the order of said commissioners, and said report and map, when so corrected, shall be filed with the city clerk within twenty days after; if said board of councilmen shall then resolve to make said improvement, notwithstanding any objections, or the same, the said board shall confirm said awards, and the improvements, if any, and order the said improvements to be made and completed in such manner as said board may determine, under the supervision of said commissioners of public improvements; the said board of councilmen shall not proceed to make such improvement if the owners of more than one

Proviso.



per lineal feet front to be assessed for the improvement; remonstrate against the same being made; said councilmen shall thereupon pass a resolution directing several sums awarded to be paid to the persons to whom awards are made for real estate taken, and damaged in making said improvement, and the city treasurer shall tender and pay to the owner of said lands, if a resident of said city, the amount of such award due to him, or if the owner is not a resident of the said city, or if upon inquiry cannot be found therein, or is a lunatic or idiot, or for any other lawful cause, he is incapacitated to receive the same, or if said owner will not accept the same and tender proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts, and file the same with the clerk, and the board of councilmen shall after inquiry into the facts of the case, by resolution, direct the amount of the award to be placed either in the city treasury, or some other trust company, where the same shall draw interest at the rate of not less than five per cent. per annum, for the benefit of the person to whom it may be due; and upon filing of a receipt of the owner, or the passing of such resolution by the board of councilmen, the lands so taken shall be returned to the said city of Bayonne, and the city officers may use the same with such improvement, and the said money so deposited shall be paid by proper warrant to the person entitled to the same on demand, with accrued interest thereon; *provided*, PROVISO. that if the commissioners shall have reported the names of the owners of any plot as unknown, said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said award may, by bill in chancery, according to the practice of the court, have the said sum distributed, or in whole or in part, as may seem proper, over to him or to her as law and justice may require; and upon completion of said improvement, the said commissioners shall report to said board of councilmen the net cost thereof, and shall assess the same upon the lands benefited by said commissioners as benefited thereby, in the same proportions as the estimated net cost had been previously assessed in the map and report of said commissioners, and confirmed by the said board; the assessment so made, when confirmed by the said clerk and confirmed by the board of coun-

cilmen, shall constitute a lien upon each parcel of for the amount assessed to the same.

Proceedings  
in case award  
for damages  
exceed assess-  
ment, &c.

59. *And be it enacted*, That whenever, by the map of the said commissioners of assessments, co aforesaid, it shall appear that an award has been made to a person for property taken or damages sustained, and such person is also assessed for benefits received of the same improvement, then, if the assessment exceed the award, no payment shall be made on such award; and if the award exceed the assessment, so much of the award as is in excess shall be paid, and the resolution of the board of councilmen ordering the award paid shall be framed accordingly; and when the amount assessed shall be finally determined, such amount shall be paid off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the award shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount assessed be in excess, the award unpaid shall be paid, and such excess only shall be a lien upon the property, and the rest of the award or assessment, as the case may be, also canceled.

Assessment of  
lands held by  
a tenant for  
life or years.

60. *And be it enacted*, That whenever land, or a tenant for life or years, and the fee in remainder or reversion shall be taken for the opening, extending or widening a street or avenue, or any part thereof, the benefits to be taken to the residue of any lot or parcel of land, a part of which may be taken for such improvements, shall be estimated in the same manner as to other lands, and the commission of assessments shall include in their preliminary and final report the value of the land taken for such improvements, the value of the erections thereon, and the damages done by taking or removing the same, and to whom they belong, and the interest and estate of the several persons in the same, as far as practicable, and the commissioners in their report apportion such value and damages among the several persons; and in any case any lands assessed as aforesaid, and any other assessments and taxes, shall be held by a tenant for life or years, and such tenant shall pay such assessments and taxes, or the same may be made by a sale of his interest in the said lands; said tenant or tenants, his or their legal representatives, shall, at the termination of his or their term, repay such principal sum, as well as the appraised



vements made thereon by said tenant, by a reversioner or assigns, and shall have a lien upon said improvements the same, and may, by bill in chancery, have said improvements sold to pay such lien, and the proceedings thereon in a court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said improvements, and said bill was filed for the foreclosure thereof, and said lien shall have a priority over all other encum-

*and be it enacted*, That all streets, roads or avenues laid out or opened, shall not be less than forty, nor more than one hundred feet in width, and all streets widened, extended or altered, not less than forty, nor more than one hundred feet in width; the sidewalks upon either side of any street or avenue, shall occupy one fifth of the whole width of said street or avenue, and no stoop or step shall project into the enclosed area extend beyond the line of said street, or avenue; and said board shall have power, by ordinance, to regulate the planting of shade trees upon said sidewalks to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or altering of any street or avenue or any part thereof in said city, but no lands shall be taken for the laying out, widening or alteration of any street or avenue, without allowing or paying to the owner or owners thereof, the value of the lands taken, and for the improvements made thereon, and the damage done to any distinct parcel of land or tenement by taking any part of it for such purpose.

*and be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to grade, pave, curb, lay out, fill up, refill, macadamize, lay side and crosswalks in any street, road or avenue, or any part thereof in said city; to construct sewers, drains and receiving basins in and upon any street or avenues in said city, or any part thereof, on application in writing to said board of councilmen; and all ordinances shall be advertised by the board of councilmen in the official newspapers, circulating in said city, for at least ten days before the ordinance is passed to carry out the same, which ordinance shall be referred to the committee of assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and discretion, and who shall cause a survey and preliminary

Width of  
streets, roads  
and avenues  
laid out or  
opened.

(Grading, paving,  
line, curbing,  
&c., cross-  
walks in  
streets, &c.)

map to be made of said improvement, distinguishing lot or parcel by numbers on said map, and they estimate the whole cost of said improvements according to the best of their judgment, and shall assess such cost upon the lands and real estate benefited in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of said city, within twenty days thereafter. The clerk shall give notice of the filing of any such report within ten days after the same shall be filed with the official newspapers circulating in said city, and by signs put up on the line of said improvement; *provided*, that if a petition for an improvement states that the property owners whose names are signed thereto, will pay all the costs and costs of the improvement applied for, and give their consent that the amounts assessed against their property to the commissioners of assessments, shall be a lien upon the property until paid, that then and in that case, the board of councilmen may, by ordinance, proceed forthwith to execute and carry out said improvement under said application, and it shall not be necessary to advertise said petition, to file a preliminary map and report, or do any of the other things required by this act.

Proviso.

Proceedings  
in case owners  
remonstrate against  
improvements.

63. *And be it enacted*, That unless within ten days after the filing of said report, as in the preceding section is provided, the owners of a majority of the land assessed for such improvement shall file with the clerk of the city, a remonstrance signed by the owners, or their agents, lawfully authorized, said board of councilmen shall proceed forthwith to execute and carry out said improvement under said application, and all costs and expenses incurred in such proceedings shall be repaid to the said petitioners for such improvements, in case such petitioners remonstrate against the same, and the board of councilmen shall make regulations touching the execution of such proceedings upon such petition, and security for the costs thereof, as they may deem proper, by resolution of the board, and the said board may refer back said report and map to the said commissioners of assessments for alteration or amendment in matters of form or substance, when the same shall be deemed necessary; *provided*, that whenever the owners of one-fourths of the property interested per lineal feet

Proviso.

ny street or avenue shall apply in writing to the councilmen for any of the improvements provided in the sixty-second section of this act, the council shall have power to dispense with the preliminary map and estimate the assessments, and to proceed by ordinance to make the improvement to be made forthwith.

*And be it enacted*, That all expenses and cost of providing for improvements in grading, paving, curbing, gutters, filling up, refilling, macadamizing, laying side or cross streets, sewerage, draining and building receiving basins on any street, road or avenue in said city, or any portion thereof, when the same shall be completed, shall be assessed by the commissioners of assessments upon and be levied upon the lands and real estate benefited by the improvements, in proportion to the benefit received by such lands and real estate, and the said commissioners of assessments shall determine and report in writing to the board of assessors what proportion of such expenses shall be assessed upon each separate lot or parcel of land, and shall accompany their report with a final map containing each lot assessed, the name of the owner or owners thereof, which report shall be filed in the office of the city clerk, whereupon the city clerk shall cause to be inserted in two newspapers published in said city, for at least ten days, a notice of filing said report; and the city clerk shall mail a written or printed notice to each of the known owners of land to be assessed therefor, and he shall also put up five notices on the corners of the land to be improved in said city, and that the board of assessors, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days after the date of filing of said report, to consider said assessment, to receive and consider all objections thereto which may be presented in writing, and the said board of assessors shall have power to return said map and report for correction in matters of form and substance, before confirming the same, and when so returned for correction, the said commissioners of assessments shall have power to correct the same, and they shall refile it with the city clerk within ten days after it shall have been so referred back to them, and if the majority of councilmen shall by resolution confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

*And be it enacted*, That any assessment upon any

Expenses and  
cost for grad-  
ing, paving,  
&c., how as-  
sessed.



Assessment, if not paid, to draw interest.

Parties assessed may deliver bond.

Bond to be filed.

Proviso.

Owners failing to pay or give bond, lands to be sold.

property or any excess of assessment over any amount before provided for any street or public improvement be due and payable, without interest, if paid within sixty days subsequent to the confirmation of the same by the council, and subject to interest at seven per centum per annum if paid after thirty days and within sixty days from the date of said confirmation; and the parties assessed within the time provided for the payment of the same may, in lieu of a cash payment, deliver to the city collector a bond payable to the city treasurer, entered into by the owners of the property assessed, conditioned for the payment of such assessment or excess thereof as aforesaid from the date of the confirmation thereof by the city collector at one per centum of the amount of said assessment or excess thereof in each and every year, with interest on the amount of said assessment or excess thereof outstanding thereon as may remain unpaid, at the rate of seven per centum per annum, payable annually, and the same shall be forthwith filed by the city collector of the office of the city treasurer, and when so filed and recorded in a book or books of assessment bonds, or a certified copy of the record thereof in the hand and seal of the said city treasurer, shall be received in evidence in any court of the contents of the same as proof of the legality of the assessment for which the said bond was given, and of all the proceedings in relation thereto, including the date thereof; *provided*, that all public improvements commenced, or contracted for before the passage of this act, shall be completed and paid for, and the taxes thereon upon the land and real estate for the payment of such improvements, damages and expenses thereof, shall be levied and collected in the manner prescribed by the laws and ordinances in force at the time the improvement was commenced.

66. *And be it enacted*, That in case the owners of any land or real estate assessed for any public improvement, shall neglect or fail to pay the amount, or give the bond required within the sixty days aforesaid, the assessment shall bear interest at the rate of twelve per centum per annum until paid; and at the expiration of sixty days from the date of the confirmation of the assessment, the land and real estate shall be sold in the manner provided in this act for the sale of lands for taxes and assessments.

such assessment, with interest as above stated, enses; and in case any installment of a bond have been given for an assessment as aforesaid, it thereon, shall not be paid according to the the whole amount of said bond unpaid shall liately due and payable, and interest shall be on at the rate of twelve per cent. per annum, of its becoming due until paid; said land and all be sold in the manner provided in this act f lands for unpaid taxes and assessments, for such assessment, with interest as above stated, enses; and the amount thus due on the bond ion of which the sale has been made, shall be the bond, which shall be held by the city until id in full and extinguished.

*it enacted*, That in all cases where the board are authorized to make or levy an assessment overment heretofore made, or hereafter to be his act, they shall be authorized to borrow the d assessment, or any portion thereof, in antici- collection of said assessment, to be expended nt of such improvement, or loans for the pay- and for that purpose to issue the bonds of the d "Improvement Bonds of the City of Bayonne," years from the date thereof, with interest at t to exceed seven per centum per annum, and sell these bonds at public or private sale, at not y-five per cent. of the par value thereof, or in le thereof, the said city may expend said im- ds at their par value in payment of such im- any part thereof, in anticipation of the collec- assessment; *provided*, that the said assessments ment bonds of property owners aforesaid shall city as specially pledged for the payment of the ed as above authorized; and in case said assess- assessment bonds should be paid in faster than nt bonds mature, the board of councilmen shall treasurer to purchase improvement bonds with t such prices as they may determine; and the nt bonds of the city shall be receivable at par nterest) by the city in lieu of cash, in cancella- essments for such improvements and such only

Council may  
borrow money  
in anticipa-  
tion of assess-  
ments.

May issue  
bonds.

Proviso.

as shall have been completed during the sale of the said bonds were issued.

Improvements directed to be paid before passage of this act.

68. *And be it enacted*, That where any assessment is directed to be paid for by assessments heretofore made before the passage of this act, but the final assessment for has not been confirmed, the board of commissioners upon completion of said improvement refer it to the board of assessments, to make and report the final assessment for such improvement, upon the principles on which the assessment was to be levied, according to the law in force at the time when such improvement was ordered. The board of assessments upon the filing of said report and map of said improvement to the city clerk, the same proceedings shall be had thereon thereto, and with the same force and effect as if the same were provided for by this act.

Assessments heretofore confirmed, how collected.

69. *And be it enacted*, That all final assessments heretofore confirmed according to law, but not yet collected, as hereinbefore otherwise provided, shall be collected in the manner provided for the collection of assessments under this act, and all such assessments, where the time of payment thereof is not now fixed according to law, the board of assessments made under this act, the street commissioners may by ordinance fix the time of payment from which time interest at the rate of twelve per centum annum shall be collected on all sums unpaid under this act, as provided in this act provided.

Council may, by resolution, direct repairs of crosswalks, &c.

70. *And be it enacted*, That the board of commissioners may by resolution passed at any meeting, direct the repairs of carriage ways or crosswalks of any street within said city, whenever they shall deem it necessary; in cases where such repairs or improvements are applied for in the manner prescribed for by this act, repairs shall be made by contract or otherwise, and if the board may direct, shall be superintended by the street commissioner and shall be paid for by said board, upon the completion of the work, out of the moneys raised by taxes on the streets, and that all repairs of sidewalks, and other repairs shall be made by the owner or owners of the front of which said repairs are necessary, upon notice of the street commissioner, and if said owner shall be non-residents of said city, it shall be the duty of the street commissioner to post such notice on the lot or lots in front of which the sidewalk,



to be repaired or relaid, and if the same shall within ten days from the serving or posting when it shall be lawful for the said board, by direct the street commissioner to cause the same costs and expenses for repairing and relaid, shall be assessed by the commissioners of the lands directly in front of which such made, and shall remain a lien thereon, and as prescribed by this act for the collection for improvements.

*enacted*, That the grade of any street, road Grades of streets, how changed. established as provided in this act, shall be permanent grade thereof, and shall not be red except upon the application to said board by the owners of at least three-fourths of the ed thereby, nor without paying to the owners s where damages are sustained by the altera- de, the amount of the damage which shall be determined by the commissioners of assess- ch assessment, and the cost and expenses of Costs and ex- penses. authenticating such grade shall be assessed of those applying for said change, and the and remain a lien thereon, and the payment d in the same manner and to the extent as ts in this act provided.

*enacted*, That when any sewer or drain here- Sewers here- tofore con- structed. ted in said city by individuals, at their own be adopted by the board of councilmen as a receiving sewer of or for any sewer or drain ed under their direction, then the owner or nd fronting on such sewer or drain heretofore be assessed for the same.

*enacted*, That the board of councilmen are Power of council to make im- provements. ed to cause all or any of the improvements is act to be made in any of the streets, roads whether the same is used as a plank road, rail- se, (except so far as such improvements may the corporate rights of such plank road or upon all streets, roads or avenues, that have ereafter be dedicated to public use, whether actually opened to the public travel or not, of the said improvements may be made in a h street, road or avenue in said city, and the

said board shall have power to regulate the construction of all railroads to be laid in a street or avenue of said city.

Petitions for  
improvements.

74. *And be it enacted*, That the petition for any improvement contemplated by this act in reference thereto, may embrace any number of improvements upon the same street, road or avenue, or road or avenue; but the commissioners of said city shall return a separate map and report for such improvements embraced in said petition or ordinance directed by resolution of the board of council. In all other cases they shall return one map and report for said improvements embraced in said petition.

## TITLE VII.

### MISCELLANEOUS PROVISIONS.

Act to continue in force.

75. *And be it enacted*, That all acts of the board of trustees of the township of Bayonne, and of the city of Bayonne, that may be in force when this act shall take effect, so far as the same may be applicable to the same, shall remain in force, as is not inconsistent with this act, shall continue in force, until altered or repealed by the board of council hereby created; and nothing in this act shall be construed to invalidate or affect any bonds, contracts or liabilities of the township of Bayonne or the city of Bayonne heretofore legally given, made or entered into, or to impose whatever.

Debts, claims, taxes, &c., to be collected.

76. *And be it enacted*, That all debts, claims, taxes, &c., assessments due to the former township of Bayonne, the city of Bayonne, when this act takes effect, shall be collected by the mayor and council of the city of Bayonne, for the use and benefit of the city of Bayonne, in the manner provided herein for the collection of the same by the board of councilmen in reference to any assessments due to the former township of Bayonne, or the city of Bayonne, may sell the lands, tenements or other property in which the same was assessed or is a lien, as described in sections forty-nine and fifty of this act, and the powers and provisions of sections forty-one and fifty-two, of this act shall be applicable to the collection of taxes and assessments due to the former township of Bayonne, the city of Bayonne, or the city of Bayonne.

of Bayonne, the same as if the terms of  
been made specially applicable thereto.

enacted, That upon the trial of any issue, or  
investigation, to which issue or investiga-  
Bayonne is a party, or in which said city is  
son shall be deemed an incompetent judge,  
by reason of his being an inhabitant thereof.

No person in-  
competent.

enacted, That the firemen now or hereafter  
and recognized by the constituted authori-  
shall be exempt during the term of their  
having served seven years consecutively,  
after be exempted from service on any  
m serving in the militia, except in case of  
rection, and that certificates of the time  
have served as firemen in said city, signed  
d city clerk, shall be evidence thereof, but  
e city shall be exempted from jury duty  
performs all the duties of a fireman in his  
entitle him to such exemption he shall  
ard of councilmen a certificate of the fore-  
f officer of his company, that he is a faith-  
mber thereof.

Exempt fire-  
men.

enacted, That the mayor and council are  
and empowered to purchase sites for parks,  
uildings and wharves in said city, and to  
ldings or wharves, or other structures or  
said sites, and for said purposes or for the  
sing sites for school houses, the said mayor  
ereby authorized and empowered to issue,  
'The Mayor and Council of the City of  
bonds, which may be made payable to  
red in the name of the party holding the  
d bonds without coupons, according to the  
der thereof, and bonds of either of said  
time to time be converted into bonds of  
r classes, at the option of the holder, to  
the face thereof, "City of Bayonne Bonds,"  
to exceed three hundred thousand dollars,  
at a rate not over seven per centum per  
alf-yearly, and the principal of said bonds  
t periods not less than ten nor more than  
the date thereof, and the said bonds may  
r private sale, at not less than ninety-five

Authorized to  
purchase sites  
for parks, &c.

May issue  
bonds.



Tax, &amp;c.

per centum of the par value thereof, and such amounts only as the proceeds may be said, and for the purpose of paying said rest thereon, as the same may become and council are hereby authorized to assess a tax sufficient to pay the interest constitute a proper sinking fund for any which may exist, which tax shall be in a tax authorized by this act; and the collector collect and pay the same to the city treasurer in the same manner as other taxes; and said tax shall be and distinct from all other taxes.

Writs of certiorari, when allowed.

80. *And be it enacted*, That no certiorari be allowed to stay any proceedings (except the final assessment), for any street or improvement, unless the writ be allowed before the clerk of a copy of the resolution for the in case awards are to be paid, or before the contract, in case a contract is to be made. The applicant for such writ shall, before the resolution or the making of such contract, give to the board a written notice of his petition for such certiorari, such writ may be granted or refused at any time within thirty days after the giving of such notice; and the filing of such resolution for such contract shall be delayed by said limitation of said thirty days, and if any final order be changed or set aside on certiorari, the same shall be either specified in the resolution, which said assessment shall be changed by three discreet and impartial freeholders, of Bayonne, to make a new assessment. If no new assessment shall be made by said freeholders, the same shall be made by the city council, and shall have the same force as if so made by the commissioners.

Proviso.

Lands vacated may become property of front owners.

81. *And be it enacted*, That whenever the commissioners mentioned in section for the change or alter the location of any street now laid on the map of said city, or now in cases where they may already have made alterations in the same, the commissioners of the city shall have the power to take in

which may be vacated and thus become the front owner on said street, lane or avenue, in fits or damages to the property benefited or in alteration or location of said street, lane or road, and the lands so made, to become the said front owners, shall be held by said front owners and the said map and grade commissioners in description of the lands so vacated in the office of the clerk of Hudson county, which said description shall be taken to be a deed of conveyance to the said owners, and this shall apply to all alterations made or hereafter to be made.

*it enacted,* That no certiorari shall be had or set aside any assessment for taxes heretofore made in said city for the year eighteen hundred and sixty-four on account of any failure on the part of the mayor and councilmen to assess and collect the school poll tax provided for in section forty-four of this act, and the tax as assessed and collected before made in said city shall be as valid and effectual in all respects as if said school poll tax had been assessed and collected as required by the charter of said city.

No writ of certiorari allowed to set aside assessment of taxes for year eighteen hundred and sixty-nine.

*it enacted,* That the mayor and council of the city of Bayonne are hereby authorized to enter into a contract with the board of chosen freeholders of the county of Hudson, agreeing to pay the expenses of erecting a proper abutment for a bridge crossing the Morris canal from the city of Bayonne, and the money to be raised by a general tax on the taxable property in the city of Bayonne, by an act passed for that purpose.

May enter into contract with board of freeholders to build stone pier, &c.

*it enacted,* That the council shall have power to erect or the abutment or any portion thereof, or to contract, agreeing to pay the whole or any portion of such erection, and to raise the money necessary therefor upon all the taxable property in the city of Bayonne.

Power to build bridges.

*it enacted,* That all the city and ward officers of the city of Bayonne, now holding office, shall continue in and exercise all the powers and authority now vested in them until the expiration of their term of office, except in so far as it shall be necessary to carry out the provisions of this act.

Officers to continue.

Bonds to be signed by the mayor, and record kept.

86. *And be it enacted*, That all bonds issued shall be signed by the mayor of the city clerk, under the corporate seal of said city; keep a record of all bonds issued or disposed of such record shall be made by him and city treasurer; all moneys received from the sale of such bonds, shall be paid to the city treasurer; upon said bonds, shall be paid to the city treasurer; shall pay out the same in the manner that the city treasurer shall see fit to be paid out in said city.

Conveyances by the city.

87. *And be it enacted*, That whenever it shall be necessary for said city to make any conveyance of land, the same conveyance shall be signed and executed by the mayor and by the city clerk; the city clerk shall keep an accurate record of such conveyances.

Awards for damages due owners.

88. *And be it enacted*, That in all cases where damages are done, or land taken in the opening of a road or avenue in said city, is now due to any owner of such property, and the property of such owner is also assessed for the same opening, that then, and in that case, the damages may offset one against the other, in the way provided for in section fifty-nine of this act.

Improvements made in streets to be paid by general tax.

89. *And be it enacted*, That the council may, by resolution, direct any street improvement to be made on any street, road or avenue in said city, where the same is authorized by resolution, that the city is to pay for the same, and when the expenditure therefor shall exceed the sum of one thousand dollars, and in such cases the provisions of the city charter in case of improvements may be dispensed with by said council, and the council may proceed immediately to complete and finish the same.

Chicago relief fund.

90. *And be it enacted*, That the action of the council of said city, in paying the sum of one hundred dollars to the "Chicago Relief Fund," be, and the same is hereby ratified and confirmed.

## TITLE VIII.

### BOARD OF EDUCATION.

School trustees, powers and duties.

91. *And be it enacted*, That the school trustees shall constitute and be called "The Board of Education of the City of Bayonne;" they shall annually



body, and in his absence a president pro tem-  
the times and place of meeting, and determine  
their own proceedings, they shall also appoint a  
shall keep a journal of their proceedings and  
other duties as the board may prescribe; a  
board shall constitute a quorum for the trans-  
ess, and no resolution or order of the board  
d unless with the consent of a majority of the  
he president of the board shall have power to  
etings whenever he shall deem it expedient;  
shall prepare and transmit to the city coun-  
ore the first day of June in each year, an  
amount of moneys necessary for the support  
s in said city during the year, which estimate  
rticularly, under the several heads of repairs  
salaries of teachers, school books, school fur-  
l libraries, stoves and fuel, and incidental ex-  
y as may be, the several sums required for each  
ditures, and all moneys appropriated by said  
the support of public schools, as well as other  
devoted to that object, shall be expended by  
ucation for the support of public schools in-  
nne; that said board of education shall take  
blic school houses in said city and shall cause  
pairs to be made to the same, and they are  
to establish schools of different grades  
ge and progress of pupils, including evening  
ntices, to select and employ teachers, to pro-  
, furniture and school libraries, to purchase  
nd incur such incidental expenses for the  
he schools as may be necessary, to adopt  
ions for the admission of pupils, the visita-  
on of the schools, and the government and  
ed therein, and the board of education shall  
chase real estate for school purposes, and  
thereon, when appropriations for those pur-  
y the mayor and council of said city, and  
purchased shall be vested in said city of  
moneys so appropriated shall be expended  
ucation, in compliance with the laws of the  
board shall, at the close of the fiscal year,  
embracing the number of schools under  
fying their grades, the number and names

All moneys to  
be expended  
by board of  
education.



of the teachers, the number of pupils on average attendance in each school, and a count of the expenditures of said board under the respective heads of repairs to schools of teachers, school books, furniture and library, fuel, and incidental expenses, and shall report to the city council, and a copy thereof to the superintendent of common schools, and the city of Bayonne shall credit said board of education with the sum or sums of money appropriated for the schools in said city, and it shall be the duty of the superintendent to enter on his book the sums so appropriated under the respective heads to which the same may be applied. The treasurer of said city shall, to the extent of said appropriation, on presentation, all drafts drawn upon said board of education and duly attested by the president and secretary for the time being, which drafts shall specify from which appropriation is to be paid; and all suits or proceedings brought by any person or persons or body corporate, for damages to any school house or outbuilding, for improvements, or to any furniture or school property, or to any school under the charge of said board, shall be paid by the treasurer of said city, and all damages and costs of actions shall be paid in the city treasury, and the same shall be credited to the school fund of said city; and it shall be the duty of the assessors of the several wards of said city to prepare a list of the children capable of attending school, between the ages of five and eighteen years, within each ward, specifying the age of each child, with the names of their parents or guardians, and to transmit the same, under proper certificate, on or before the first of August annually, to the secretary of the board of education, and the sum of five dollars for every one hundred children contained in said lists, respectively, shall be paid to the assessor duly making and transmitting the same. The city of Bayonne shall be entitled to its share of the annual appropriation made by the state for the support of public schools, to be ascertained according to the number of children from time to time be paid to the treasurer of said city expended by the board of education for the support of the schools in said city.

Duty of assessors.

92. *And be it enacted*, That whenever an

, or any part of any street or avenue, has been or Dedication of streets or avenues.  
 after be dedicated by the property owners to the  
 public highway, to be used as such, that then and  
 se the council may, by a simple resolution, and  
 y further or other proceedings whatever, declare  
 or avenue, or part thereof, open to the public as

*be it enacted*, That "An Act to incorporate the Repealer.  
 Bayonne, in the county of Hudson, and state of New  
 approved March tenth, eighteen hundred and sixty-  
 all supplements and amendments thereto, and all  
 parts of acts inconsistent herewith, be and the same  
 repealed, and this act shall take effect immedi-  
 this repeal shall not affect any proceedings had or Repeal not to affect proceedings had, &c.  
 under said charter and its supplements, nor any  
 lues which the city of Bayonne or any person or  
 is or are entitled to by virtue thereof, except  
 act otherwise specifically provides.  
 d March 22, 1872.

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## CHAPTER CCCXI.

authorize the inhabitants of the township of Mont-  
 r to elect Commissioners of Public Roads.

*IT ENACTED by the Senate and General Assembly of*  
*New Jersey*, That the legal voters of the township  
 ir, in the county of Essex, are hereby authorized Election of commissioners of public roads.  
 vered to elect, at their annual township elections,  
 same manner as their other township officers are  
 elected, five resident freeholders of said township,  
 n under and by the name of "Commissioners of  
 ds," who shall continue in office for the term of  
 and who, before entering upon the discharge of  
 es, shall severally take and subscribe an oath or  
 before the township clerk that they will faithfully  
 tially execute their said office, which oath or affir-

Proviso.

mation is to be filed and preserved by said clerk that any vacancy in the office of one or more commissioners may be filled by the township committee, *also*, that it shall not be lawful for any commissioners to serve at the same time as a member of committee.

Empowered  
to lay out,  
widen, alter,  
&c., roads.

2. *And be it enacted*, That it shall be the duty of the township commissioners, or any three of them, and they are authorized and empowered to survey, lay out, straighten or vacate any public road or highway, or alter the grade of any such road or any part thereof in said township, in the manner hereinafter prescribed; *however*, that no commissioner shall act in any such case if he is personally interested; *and provided, also*, that no road shall be not less than two rods nor more than two rods in width.

Proviso.

Proceedings  
when owners  
petition to lay  
out, when or  
vacate any  
road.

3. *And be it enacted*, That whenever ten or more owners of said township, or whenever the owner or owners of more than half (the same being measured by lineal feet) of any lot fronting on any proposed or existing road shall petition the said township committee, in writing, to survey, alter, straighten or vacate any such road, or to lay out any such road, or any part thereof, it shall be the duty of said committee to appoint a time and place for a meeting of said commissioners to act upon said petition; and it shall then be the duty of the township clerk to deliver a copy of said petition to said commissioners, or one of them, to inform him or them, in writing, of such appointment; and to give public notice thereof, by advertisement in some public place, which shall be set up in five or more of the public places of said township, at least two weeks before the day appointed for said meeting.

Meeting of  
commission-  
ers

4. *And be it enacted*, That it shall be the duty of the township commissioners to attend at the time and place appointed for their meeting; and three of their number shall be a quorum for the transaction of any business or the performance of any duty lawfully joined or authorized, but that one of them may act if he is personally interested; that they may adjourn from time to time if it shall appear necessary; that they shall first determine the time and place of their first meeting have been determined as aforesaid, and upon which point their decision shall be final and conclusive; that they shall not appoint persons claiming to be interested in the contemplated



opportunity to be heard in relation thereto; that  
 only view the premises, but shall have power,  
 tion, to examine any witness or witnesses con- Examine wit-  
nesses.  
 name, under oath or affirmation, which oath or  
 may be administered by any one of their number;  
 shall employ a surveyor and such assistants or  
 y may think proper, but at a rate of compen-  
 determined by the township committee; that  
 their employees may enter upon all lands and May enter on  
lands.  
 any of the objects contemplated by this act;  
 r having made a thorough examination of the  
 referred to them, they, or any three of them, may  
 hereby authorized and empowered, to lay out,  
 straighten or vacate said road, or to alter the Authorized to  
make im-  
provements.  
 road or said part thereof, as the case may be,  
 ner as may seem to them to be most for the  
 nience, and so as to occasion the least injury to  
 erty; and they shall cause said road or said  
 marked or indicated by stakes, or in such other  
 em may seem fit; and they shall then proceed Assessment of  
damages.  
 ly and impartially, the damages which, in their  
 be sustained by the owner of any lands and  
 ken for or damaged by the improvement, and  
 ceed to assess the said damages, together with  
 s (as the same may have been determined by the  
 mittee), fairly and impartially upon the owner  
 any lands and real estate on the line or in the  
 of said improvement which, in their opinion,  
 arly benefited thereby, and in such proportions  
 extent as they may consider said lands and real  
 so benefited, and to assess any excess of such  
 said benefits upon the township at large; and  
 shall without unnecessary delay make a report in  
 ed by them, or any three of them, of all their  
 n the matter, including the said assessments,  
 ver the same unto the township clerk or any  
 aid committee, accompanied by a map showing  
 ermini, courses and distances of said road, or  
 aid grade, but also all the lands and real estate  
 taken for, or damaged or benefited by, said  
 as aforesaid, and for or upon which they have  
 assessments.

*it enacted,* That said report and map shall

Report and  
map to be  
made.

Report and  
map to re-  
main open to  
inspection.

Notice to be  
given.

Report and  
map may be  
altered and  
corrected.

Report and  
map to be  
filed.

Deemed a  
public road  
when adopted

remain at the office of the township clerk, open by interested parties at all reasonable hours, and by the township committee for the purpose of inspecting the same; that as soon as said committee shall determine the time and place of said meeting, the said clerk shall give public notice thereof, by advertisements, and by posting up in at least five of the most public places of said township, and shall also give notice thereof, in writing to the owner or owners of said lands and real estate in said township, or (if he, she or they be not known) by depositing such notice or notices in the post office of said township, prepaid, and addressed to said owner or owners at his, her or their post office addresses as far as known, to obtain the same; and that said clerk shall take an oath or affirmation as to the manner in which he has given or served said notices, and shall file the same before the said committee, at their said meeting, and the determination of said committee as to the validity of said notice shall be final and conclusive.

6. *And be it enacted*, That at the said next meeting, the said township committee shall consider the said report and maps, and shall give notice thereof to all interested therein, and who may be present, and shall cause the same to be heard in relation thereto, and shall exercise the power to alter, correct and amend the same in all particulars, and to adopt and ratify the same with or without alteration as may happen; and the said report and map shall be so adopted and ratified that the same shall be final and conclusive upon all persons, and shall only in relation to an assessment for lands taken or damaged, as is hereinafter provided, be subject to be altered, corrected or amended. The said report and maps, after having been copied and filed by the said clerk in the minutes of the proceedings of the said committee, and within twenty days after said adoption and ratification, shall be transmitted by him to the clerk of the court of common pleas of said county, to be recorded in the office of said court as the return of the said committee, now or shall be filed and recorded, for which the said clerk of said court shall be entitled to receive from the said committee the sum of three dollars.

7. *And be it enacted*, That from and after the adoption and ratification of said report and map, the road so surveyed, laid out, widened, altered or

may be, shall be deemed and taken to be a public highway, and shall, under the direction and control of said township committee, be opened, worked and maintained in the same manner as other public roads of said township or shall be.

*As it enacted,* That any person or persons feeling themselves or themselves to be aggrieved by any such improvement of damages, for any lands and real estate taken or damaged by any such improvement, may appeal to the board of said county, at any time within sixty days after the adoption and ratification of said report by the township committee; and that the said circuit court shall hold a trial by jury, to assess such damages anew; and said trial shall be conducted as in other cases of appeal; *provided,* that the completion of said improvement shall not be delayed thereby, and that the said committee proceed therewith as though said appeal had not been taken. Appeal may be taken to circuit court.

*As it enacted,* That before any such improvement shall be put into effect, it shall be the duty of the township committee, under the direction of the township committee, to tender, unto the owner or owners of lands and real estate so taken therefor, or damaged thereby, as aforesaid, the amount of damages so assessed to him, her or them; *provided,* that if such owner do not receive the same, or upon due inquiry cannot be found to have received the same, the said treasurer, or is a lunatic or idiotic, or is otherwise legally incapacitated to receive such damages, if such owner or owners will not accept such damages, and sign a proper receipt therefor, when tendered, the said treasurer shall make an affidavit of the fact, and file the same with the township clerk; and the township committee shall, after inquiry, direct the amount or value of said damages to be placed on special deposit in some depository for the use of the person or persons to whom the same may be due; and the same shall be paid to them, when duly authorized to receive the same, without interest, except from and after the time when demand is made for the same and be refused; *and provided,* that no tender shall be necessary in any case where the benefits which may be assessed against the said owners, are equal to or exceed the amount of damages sustained in his, her or their favor. Amount of damages to be paid.



Copy of report  
and map to be  
delivered to  
collector.

Notice to be  
given.

Assessment,  
how assessed  
and collected.

Assessment to  
remain a lien.

Lands may be  
sold.

Committee  
may remove  
any building.

10. *And be it enacted,* That within ten days after the report and map shall be so adopted and ratified, it shall be the duty of the township clerk to deliver up to the collector of taxes for said township a certified copy of the report and map, and said collector shall, within twenty days, cause a written notice of the amount of each assessment finally adopted and ratified by said committee to be served upon every land owner affected thereby; and said notice shall be served personally upon said land owner, if he or she be a resident of said township; but (if he or she be non-resident) the notice shall be deposited in the post office of said township, addressed to his or her post office address, as far as the collector can ascertain the same; and that it shall be the duty of the collector to cause each land owner so assessed for benefits, taxes or damages of said assessment (or any excess thereof) to pay the same, or any assessment of damages in his or her favor, to the collector, within sixty days after the time of the giving of said notice as aforesaid; and that, after the expiration of said sixty days, said assessment (or any excess thereof) and above said assessment of damages) shall be due and payable until paid, at the rate of one per centum per month, and that any portion of said assessment which remains unpaid shall be assessed upon the township at large, shall be collected by the assessor and collector of said township in the same manner as the general township taxes for the repairing or repairing of roads are or shall be collected.

11. *And be it enacted,* That any and all assessments for benefits so made, adopted and ratified, shall constitute a lien or liens, upon the lands and real estate of said township from the time of the adoption and ratification of the same, and maps, until the time when the same, or any portion thereon, shall be fully paid and satisfied; and that any lien may be enforced by the sale and conveyance of the lands and real estate in the same manner as the general township taxes. estate in said township are or may be sold for the same taxes.

12. *And be it enacted,* That whenever any part of any building, shall stand within the limits of a road which shall have been so laid out, widened or straightened, and the owner or owners of the same, or said part of a building, shall have neglected to remove the same, after four weeks' notice therefor, it shall be the duty of the



ship committee, or of any three of them, to sell and <sup>Building to be sold.</sup> of the same, to the highest bidder, at a public auction, they shall have given at least four weeks' notice in per printed in the said county, and circulating in said ; and that they shall have power to adjourn said sale to time, as they may see fit, by making public procla- hereof at the time of such adjournment; and that undertake to deliver possession of said building, or of a building, to the purchaser thereof, at any time r, which they may determine to be just and fair to er owner or owners thereof; and that it shall be the uch former owner or owners, or his, her or their tenants, to vacate and yield up the possession of the the time so determined; and that the amount for e same shall be so sold, after deducting the expenses dvertisement and sale, shall be deposited with the ship treasurer, and be by him paid to said former owners on demand.

nd be it enacted, That in addition to the remedy <sup>Actions at law may be taken for collection of unpaid assessments.</sup> ovided for the collection of any unpaid assessment, e lawful for the said township committee to direct, tion, that any such assessment shall and may be col- and by an action at law; and that said action may nt in any court of competent jurisdiction, in either ssumpsit, in the name of the township, against the owners of the lands and real estate assessed, for the f such assessment, with interest and costs; and that ction it shall be lawful to declare generally, and to special matter in evidence; and that either party may same remedy against the judgment to be rendered ction, by appeal or otherwise, as though said parties ate individuals.

nd be it enacted, That the said commissioners shall <sup>Compensation</sup> ed to receive the sum of three dollars for each and y's service by each of them rendered in pursuance of in addition to such reasonable sum as may be deter- by the township committee for surveying, mapping r expenses.

nd be it enacted, That it shall not be lawful for the <sup>Surveyors of highways.</sup> s of the highways of said county, at any time here- lay out, vacate or alter any public road or highway e limits of said township.

nd be it enacted, That all laws or parts of laws in- Repealer.

consistent with the provisions of this act, be and hereby repealed, so far as relates to the said that this law shall be deemed and taken to be and shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXII.

An Act to direct and authorize the Trustees of District Number One, in the county of Essex, to convey certain real estate and appurtenances.

Preamble.

WHEREAS, by an act of the legislature of the State of New Jersey entitled "An Act to divide the township of Belleville," approved April fifth, eighteen seventy-one, a portion of said township of Belleville, was annexed to and now forms a part of said city of Newark, and whereas, certain lands and premises, together with a school house building thereon and the appurtenances thereto, being the property of the Trustees of District Number One, and held by said district trustees thereof, and situate in said township of Belleville, were included in said portion of said township of Belleville, so as aforesaid annexed to said city of Newark, and a large portion of the territory composing said township of Belleville was embraced in said annexation, and it is desired that the lands and premises and school house building and appurtenances be conveyed to said city of Newark.

Trustees may transfer, set over and convey lands.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the trustees of District Number One, in the county of Essex, or their successors, or if no trustees of said school district be in office, then the trustees of said district who were in office, or a majority of either of them, be and they are hereby authorized and empowered to transfer, set over and convey by deed of conveyance, under their hands and

l school district, or if no corporate seal of said district exists, then under their respective hands and the simple absolute, the said lands and premises and the building thereon, and the appurtenances belonging, and all fixtures and personal property connected being all the lands, and premises, and school building, and appurtenances, and fixtures, and personal property owned, held and possessed by said School District Number One, in the county of Essex, or by the trustees of said district or being in that portion of the township of Newark so annexed to said city of Newark as aforesaid, to the said city and common council of the city of Newark, in the county of Essex, and state of New Jersey; and that the said city and common council of the city of Newark, their successors and assigns, shall hold the same, under and by virtue of conveyance, to and for their use, benefit and behoof, free and clear and absolutely discharged from all and whatsoever, upon, by or under which the same may be held, and from all claim, suits, trouble, demand or recovery of said School District Number One, in the county of Essex, or any part thereof, or of the trustees of said district, or any of them, of, in or to said lands and school house building, appurtenances, and fixtures, and all personal property, or any part of the same.

*be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.  
 Passed March 22, 1872.

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## CHAPTER CCCXIII.

Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved November eleventh, one thousand eight hundred and fifty-

*IT IS ENACTED by the Senate and General Assembly of the State of New Jersey*, That the common council of the



May establish  
or repeal ordi-  
nances for the  
selling of hay,  
straw, bread,  
&c.

city of Newark shall have power and authority said city to make, establish, publish and modify or repeal ordinances regulating and establishing manner of selling or offering or exposing for sale wood, bread, flour, fruits and vegetables; and contain such restrictions, provisions and regulations as they seem just and proper.

2. *And be it enacted*, That this act shall taken to be a public act, and shall take effect  
Approved March 22, 1872.

## CHAPTER CCCXIV.

An Act respecting the holding of elections in Hillsborough, in the county of Somerset.

Election dis-  
tricts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Hillsborough, in the county of Somerset, shall hereafter contain three election districts; all that part of said township of Hillsborough lying north of the following described line, to wit: begin at the intersection of the Raritan river road, between the farms of Thomas Hope and Frederick T. Frelinghuysen, and running southerly in a direct line to the public highway known as the New Amwell road; thence along the middle of said highway to the New Amwell road; thence a direct line across lands of Isaac A. Van Cleave to the Stryker to the Old Amwell road; thence along the middle of said new road recently opened, to the line of Montgomery township; and all that part of said township, lying easterly of the above line so described, shall comprise the second election district.

Elections.

2. *And be it enacted*, That the annual town meeting in the township of Hillsborough, for town purposes, shall be held on the first Tuesday of March, and for the raising of money for town

other purposes as may be authorized by law, in each of said election districts, and the voting ballot; that the next annual township election in the first election district, at the hotel of John First election. in the village of Neshanic, and in the second district at the hotel of Isaac H. Hall, in the village and thereafter at such places in said election may be determined from time to time by the vote on districts respectively.

it enacted, That the polls shall be opened in the opening of  
election districts in the township of Hillsborough polls.  
at the next town meeting, after the passage of this act,  
at ten o'clock A. M., and close at four o'clock P. M.

it enacted, That the legal voters of the said <sup>Judges of elec-</sup> districts, or as many of them as may be present at <sup>tion, how ap-</sup> township election, shall immediately before the <sup>pointed.</sup> the polls, elect *viva voce*, by a majority of votes, judge and two inspectors of election, who shall be of the district, and who shall preside at such election, and constitute the boards thereof; and the election shall be conducted in the manner now provided

it enacted, That in each of the said election officers of  
 by constituted at their next annual and suc- election.  
 nship election, there shall be elected one clerk  
 dges of election, but no ballot shall contain the  
 re than two persons for judges of election; in  
 an two names are voted for, the ballot shall be  
 to said judges of election, and in case two per-  
 an equal number of votes the first person  
 e ballot for judge of election shall be elected;  
 no elected in their respective election districts  
 in the same duties, and be subject to the same  
 now prescribed by law for judges, inspectors and  
 ction; and the township clerk shall constitute  
 strict clerks and preside in the district where he

it enacted, That the clerk of the township of \_\_\_\_\_, shall cause to be posted in three of the most \_\_\_\_\_ Notices of election to be posted up. be  
in each of the election districts hereby con-  
tain act, fifteen days prior to the next township  
ices of the time and places for holding the same

Overseers of  
highways.

in each of said districts, and said notices shall be posted at the dividing line between said districts as herein provided.

7. *And be it enacted*, That all overseers of the township of Hillsborough shall, after the publication of the act, be elected in their respective road districts on the **day immediately following** the annual meeting of said township, and public notice of such election shall be given by the clerk of said township, and conspicuously posted in each of said districts, giving the hour and place of holding the same.

Repealer.

8. *And be it enacted*, That all acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXV.

A Further Supplement to an act entitled "An Act to amend an act entitled 'An Act incorporating the township of Hillsborough, designating their powers and regulating their meetings,' approved April fourth, one thousand eight hundred and forty-six, which supplement was approved March fourth, eighteen hundred and sixty-four."

Election of  
chosen free-  
holders.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the city of Trenton, in the county of Mercer, shall be required at their annual charter election, to elect in said city of Trenton one chosen freeholder to represent said city in the board of chosen freeholders, instead of five to represent said city, as now provided by law, and this act is a further supplement to which this is a further supplement.

Powers and  
duties.

2. *And be it enacted*, That the chosen freeholders of said city shall be elected in the same manner and form as the chosen freeholders of the county of Mercer, and shall be invested with the same powers, privileges and duties and be subject to the same laws as other chosen freeholders in this state.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.



nt with the provisions of this act, be and the same are repealed.

nd be it enacted, That this act shall take effect immediately.

oved March 22, 1872.

## CHAPTER CCCXVI.

to refund a certain tax, and to confirm the boundaries of School District Number Thirty-three, in the township of Oxford, in the county of Warren.

AS, taxes have been assessed and collected for school Preamble.

building purposes, by the trustees of school district number thirty-two (formerly number six), of the township of Oxford, in the county of Warren, during the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, from the taxable inhabitants of school district number thirty-three, then forming an integral part of said district number six and number thirty-two, but solely by act of assembly, number four hundred and thirty-five, approved March seventeenth, eighteen hundred and seventy, constituted a separate district; and whereas, the trustees of said school district, number thirty-three, since built and occupied for the purpose intended a commodious school house at great cost to them, while work on the school house of district number thirty-two (formerly number six), was deferred until the autumn, eighteen hundred and seventy one, and is still incomplete; therefore, in view of the justice due the taxable inhabitants of school district number thirty-three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number thirty-two, in the township of Oxford, in the county of Warren, shall, on or before the first day of January, eighteen hundred and seventy-three, refund and pay unto the trustees of school district number thirty-  
Taxes to be refunded.



three, all taxes collected of the taxable inhabitant of the said school district number thirty-three, during the years eighteen hundred and sixty-eight, eighteen hundred and sixty-nine.

Trustees to  
apply moneys  
refunded.

2. *And be it enacted*, That it shall be lawful for the trustees of school district number thirty-three, to apply the moneys thus refunded in conformity with this act, for the satisfaction of their indebtedness incurred for school purposes.

Boundaries  
confirmed.

3. *And be it enacted*, That the boundaries of school district number thirty-three be, and remain the same as published by decision of the county superintendent, and confirmed by the secretary of the state board of education, first, eighteen hundred and seventy-one, and that all parts of acts inconsistent with the foregoing be, and the same is hereby repealed.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXVII.

An Act supplemental to an act entitled "A Further Amendment to an act entitled 'An Act respecting Public Schools in the town of Phillipsburg,'" approved March 22, eighteen hundred and seventy-one.

Council to  
issue public  
school bonds  
on request of  
commissioners.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That upon the request of the commissioners of Public Schools of the Town of Phillipsburg made in the manner prescribed in the third section of the act to which this is supplemental, the common council of Phillipsburg shall, within the space of thirty days from the date of said request, issue bonds, to be designated "public school bonds," to the amount of ten thousand dollars, in the manner and under the regulations prescribed in the third section of the act to which this is a supplement, for the

nds the credit and the whole property of the town  
 arg shall be pledged, and which bonds, or the net  
 reof, shall be delivered to the treasurer of "The  
 ers of Public Schools of the Town of Phillipsburg,"

said common council shall neglect or refuse to  
 public school bonds, or the net proceeds thereof,  
 surer, within the time specified, then it shall be  
 "The Commissioners of Public Schools of the  
 Phillipsburg" to issue said public school bonds, in  
 and under the regulations prescribed in the third  
 e act to which this is a supplement.

*Be it enacted*, That the common council of the town

urg shall provide for the payment of the public  
 s, to be issued under the authority of this act, and  
 thereon, in the manner and under the regulations

n the second section of the act to which this is a

*provided*, that not more than five thousand dol-  
 principal of said bonds shall be made redeemable  
 year.

*Be it enacted*, That it shall be lawful for "The

ers of Public Schools of the Town of Phillips-

all said public school bonds, under the regulations

n the third section of the act to which this is a sup-

d said commissioners shall apply so much of the

s thereof as may be necessary to the payment of

urred in the erection of the public school buildings

ward of said town, and if any surplus shall re-

me shall be applied to the repairing of the public

ings of said town.

*Be it enacted*, That this act shall take effect imme-

March 22, 1872.

## CHAPTER CCCXVIII.

An Act to enable the Rowandtown School District Number Eleven, in the township of Haddon, in the county of Camden, to raise by tax and loans, the money necessary to build a public school house within the said district.

Preamble.

WHEREAS, it has been represented that the school house in the Rowandtown School District Number Eleven in the county of Camden, is in a dilapidated condition and in regard to size and other deficiencies is inadequate for the purposes of education; and that the taxable inhabitants of said district are desirous to raise by tax and loans, the money for the purpose of erecting and building a new school house in the said district, therefore,

Trustees may call meeting of voters.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That in order to enable the voters of Rowandtown School District Number Eleven in the county of Camden, to borrow money for the purpose aforesaid, they are hereby empowered, by the affirmative vote of a majority of the legal voters of said district, to call a special meeting to be called by the trustees of said district, to be held at the present school house in the said district, by advertisements signed by the said trustees, a majority of them, and posted up in at least three public places within said district, at least ten days before the day on which said meeting is appointed to be held, forth in said advertisements the time, place and purpose of said meeting, which meeting shall be held between the hours of seven and nine o'clock in the afternoon of the day so appointed, to authorize the trustees of said district to loan such sum or sums of money, not exceeding five hundred and fifty thousand dollars, as a majority of the legal voters of said district at said meeting shall agree to; and further, it shall be lawful for the taxable inhabitants so assembled at said meeting aforesaid, to order an annual poll tax of not more than one dollar on each tax payer, to be levied annually for the space of three years, and for the sum or sums of money so determined.

Trustees authorized to raise money by loan.



, it shall and may be lawful for the trustees of said  
to issue obligations in the corporate name of the said May issue obligations.  
, payable at such time or times and place as shall be  
y a majority of the legal voters present at said meet-  
thorizing the raising the money aforesaid, which obli-  
shall bear such rate of interest as shall be agreed  
not to exceed the rate of seven (7) per centum per  
, and shall be approved and signed by the said trus-  
a majority of them ; and that all the taxable property,  
al and personal, in said district, shall be held liable  
und for the money mentioned in said obligations with  
erest thereon.

*And be it enacted*, That it shall be the duty of the said May provide by taxation for payment.  
downtown School District Number Eleven, in the county  
den, to provide by taxation on the taxable property  
said district, for the payment of the obligations by  
et authorized, with the interest which may accrue  
n.

*And be it enacted*, That it shall be lawful, and it is Taxes for payment, how assessed and collected.  
made the duty of the assessor and collector, and of  
proper officers of the township of Haddon, in the said  
of Camden, to assess upon the inhabitants of said  
district and their estates, and the taxable property  
, and collect all the taxes necessary for the purpose  
eeming and paying the obligations authorized to be  
by this act, in the same manner, and at the same time  
her taxes in said township are or shall be assessed and  
ed ; and that for the purpose of this act, and of the  
se of their powers thereunder, by the said officers,  
hool district shall be considered as lying entirely with-  
limits of the township of Haddon.

*And be it enacted*, That this act shall be considered as  
ic act, and take effect immediately.  
roved March 22, 1872.

## CHAPTER CCCXIX.

An Act for the relief of Eliza Dancer, of the  
Monmouth.

Pension:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State he is hereby authorized and required to pay to Eliza Dancer, of the county of Monmouth, widow of Zachariah Dancer, deceased, who was a soldier in Captain Perrin's New Jersey militia, in the war of eighteen hundred and twelve, or to her order, the sum of one hundred dollars annuum, during the term of her natural life, in annual payments of fifty dollars each; the first payment to be made on the first day of April, eighteen hundred and seventy-two.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXX.

An Act for the relief of Thomas Megaw.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Thomas Megaw, of Monmouth county, a soldier during the war of eighteen hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum to be paid to him semi-annually during his lifetime.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXXI.

act to incorporate the New Jersey Stone Company.

IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nelson H. Coykendall, James Corporators.  
 tup, Salmon W. Hoyt, John W. Baker, Mortimer D.  
 James Coyle, William C. Whyte, and such other per-  
 may hereafter be associated with them, and their succes-  
 assigns, be and they are hereby constituted a body  
 te and politic, in fact and in law, by the name of  
 New Jersey Stone Company," for the purpose, and Name and  
 power and authority of carrying on, in the county of powers.  
 in this state, and in the state of New York, in all  
 ches, the business of mining, quarrying, manufactur-  
 producing stone, paving and building blocks, and ma-  
 f stone of every description and kind, and of buying  
 ing the same, and all other goods and articles neces-  
 proper to be used in the business authorized by this  
 also with power to make contracts for laying side-  
 nd paving streets, or placing stone thereon, in any  
 manner authorized by law, and also with power to  
 ntracts for building any structure, or part thereof,  
 the said name shall have continued succession, and be  
 of purchasing, holding, leasing, mortgaging and con-  
 any lands or real estate, tenements, goods and chattels  
 ate of New Jersey and in the state of New York, ne-  
 or proper for the purposes of the said corporation ;  
 said company shall have its principal office in Jersey Principal of-  
 fice.

ad be it enacted, That the capital stock of the said Capital stock.  
 y shall be fifty thousand dollars, with the privilege to  
 ctors of increasing the same to any amount not ex-  
 one hundred thousand dollars, which shall be divided  
 ares of one hundred dollars each ; and the persons  
 n the first section of this act are hereby authorized to  
 oks of subscription, and take and receive subscriptions  
 a capital stock, at such time or times, and in such  
 as they shall deem proper ; and whenever ten thou-



Failure to pay  
subscriptions  
to work for-  
feiture.

Anders to be  
managed by  
directors.

Vacancy, how  
filled.

sand dollars of the said stock has been subscribed and paid in, it shall be lawful for the said company to carry on its business; and the persons before named, and any other persons of said company, may receive, in payment of subscriptions for stock, any lands, buildings, machinery, or other property, by them deemed necessary or proper for the use of the said company, and at such valuation as a majority of the said directors shall approve; and it shall be lawful for the directors of the said company to call for and demand from the stockholders, of, respectively, such installments, and at such times and in such proportions, and upon such notice as they may deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment of the same, within thirty days thereafter, such stockholder shall be liable to forfeiture of his or her share or shares, and all payments made thereon, for the use of the company, and the shares of the said capital stock shall be deemed forfeited property, and transferable only on the books of the said company in such manner as the board of directors by their resolution may direct.

3. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and controlled by a board of directors, not less than three nor more than seven in number, being stockholders, one of whom shall be president, and who shall hold their offices, respectively, for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in May in every year, at such time and place and upon such notice as the by-laws of the corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the directors may appoint such of their assistants, intendents and agents, and assign such compensation as a majority of said directors shall think fit; and if any director, by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be named, any vacancy may be filled by the remaining directors, or by a majority of them; and the said persons named in this act, or in any act in relation to this act shall be the first directors of said company.



as such until the first Monday in May next, and  
rs are legally chosen.

*And be it enacted*, That in case an election for directors Failure to  
elect directors  
not to dissolve  
be made on the day specified in this act, the said  
on shall not for that cause be deemed to be dissolved,  
ll be lawful to hold such election on such other day  
e provided by the by-laws of said corporation, or by  
of the board of directors.

*And be it enacted*, That a majority of the directors for May make by-  
laws.  
being shall form a board for the transaction of the  
of the said corporation, and shall have power to  
h by-laws, ordinances and regulations as shall seem  
and convenient for the management or disposition  
ock, effects and concerns of the said corporation ;  
that the same are not contrary to the laws or con- Proviso.  
of the United States or of this state.

*And be it enacted*, That this act shall take effect imme-

red March 22, 1872.

## CHAPTER CCCXXII.

to incorporate the Burlington County Land and Im-  
provement Company.

*BE IT ENACTED by the Senate and General Assembly of  
of New Jersey*, That J. R. Flanigen, Francis W. Corporators.  
Washington Hunter, Edward I. Mathews, Elwood  
and such other persons as may be associated with  
become subscribers as hereinafter provided, shall  
ey are hereby created into a body politic and cor-  
nder the name, style and title of "The Burlington Name.  
and Improvement Company," which shall have  
succession, power to sue and be sued, and be invested  
he rights, powers and privileges of a corporation.

*And be it enacted*, That the capital stock of the cor- Amount of  
capital stock.  
herein provided for shall consist of two thousand

Proviso.

May purchase  
hold and con-  
vey lands

Proviso.

shares of the par value of fifty dollars each, and lawful to increase the same to such an extent as may be deemed necessary by the directors under such regulations as may be prescribed in the by-laws of the corporation, that the capital shall at no time be increased to more than one hundred thousand shares of the par value of fifty dollars each.

3. *And be it enacted*, That the corporation shall have power to purchase and hold lands and tenements, in such manner and for such purposes as may from time to time be determined by the directors thereof, and it shall be lawful for such corporation to dispose of its real estate or improvements acquired by it, and to mortgage the same, or receive in payment for any property it may own, notes, bonds or mortgages, and to hold or dispose of the same at pleasure; *provided*, that said corporation shall not at one time hold, possess or own more than one thousand shares of its capital stock.

Approved March 22, 1872.

## CHAPTER CCCXXIII.

An Act to incorporate the Farmingdale Manufacturing Company.

Corporators.

Name.

Capital stock.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles Butcher, Isaac S. Nesbit, Charles G. Boudin, William H. Nesbit, senior, Benjamin L. Oliver, B. K. Mne, Grandin Vannote, and such others as may hereafter be associated with them, shall and lawfully may and are hereby created a body politic and corporate, in and under the laws of this State, by the style and title of "The Farmingdale Manufacturing Company," for the purpose of manufacturing and dealing in all kinds of timber, lumber, building materials, crockery, glass, earthenware and paper, and all business incident thereto; and for such purpose the said corporation shall or may raise by subscription, by opening a subscription list therefor or otherwise, a capital stock of ten thousand shares of the par value of fifty dollars each.

ed into shares of one hundred dollars each, with  
 e of increasing the same from time to time, with  
 of a majority of the stockholders, to any amount  
 ng two hundred thousand dollars; and it shall be  
 aid company to issue certificates of stock in whole  
 payment for any real or personal property pur-  
 eased by said company for the purposes of their  
 ss.

*be it enacted*, That the said corporation may May purchase and hold real estate.  
 use, possess, hold and enjoy, such real estate as  
 necessary or expedient for the purposes of said cor-  
 nd may sell, mortgage, lease, or otherwise dispose  
 e at pleasure; and may borrow money and issue  
 efor, not to exceed at any time one-half of their  
 ital; and may sue and be sued in all courts of  
 ty; and may have and use a common seal, and  
 e or alter the same at pleasure; and may make May make by-laws.  
 ws for their regulation and government as they  
 pper; *provided*, the same are not inconsistent with Proviso.  
 tion or laws of the United States or of this state.

*be it enacted*, That the affairs and business of the Election of directors.  
 tion shall be managed by not less than three nor  
 five directors, who shall elect one of their number  
 and said directors shall be stockholders in said  
 , and shall hold their office for one year, and until  
 l be chosen to fill their places; said directors shall  
 at the annual meeting of the stockholders to be  
 h day, at such hour of the day, and at such place  
 laws of said corporation shall direct; and that  
 election shall take place, Charles Butcher, Austin First directors  
 on, Isaac S. Nesbit, Charles G. Boud, Samuel T.  
 William H. Nesbit, senior, Benjamin F. Wainright,  
 Kinne, Grandin Vannote, being stockholders, shall  
 s of said corporation; a majority of the directors  
 occasions when assembled at such time and place  
 ws shall prescribe, constitute a body competent  
 business; and all business matters before them shall  
 by a majority of votes; and in case a vacancy shall Vacancies, how filled.  
 he board of directors by death, resignation, or  
 the stockholders to elect the full number autho-  
 is act, the remaining directors for the time being,  
 ty of them, shall have power to fill such vacancy  
 ment of any stockholder.



Failure to  
elect not to  
dissolve.

4. *And be it enacted*, That in case it shall be found that an election of directors shall not be made up-  
signed for that purpose, the said corporation shall  
deemed to be dissolved, but the stockholders shall  
hold an election for directors on any other day  
notice being given of the time and place of said

Statement to  
be made.

5. *And be it enacted*, That the said directors shall  
to the stockholders, at their annual meeting, report  
ment of the affairs of the said corporation, the  
amount of capital stock paid in, the amount of  
and from the said corporation, and the amount of  
and property belonging to said corporation, the  
same can be ascertained.

When to com-  
mence busi-  
ness.

6. *And be it enacted*, That the said corporation shall  
organize and commence the transaction of its  
this act whenever ten thousand dollars of capital  
been actually subscribed and paid in.

Principal of-  
fice.

7. *And be it enacted*, That the principal office of  
company shall be at Farmingdale, in the county of  
mouth, state of New Jersey, and that regular  
counts shall be kept in the said office, to which  
counts any stockholder may have free access at  
ble times, for the purpose of inspection, and  
transfer of stock shall also be kept and shall be  
the ownership of said stock in all elections shall  
submitted to the decision of the stockholders at  
tion.

How dissolved

8. *And be it enacted*, That the said corporation  
created may be dissolved by a general meeting of  
holders of the same specially called for that pur-  
vided, that at least three-fourths in value of the  
shall concur therein; and upon such dissolution  
for the time being, and the survivors of the stock-  
sons as the said stockholders shall appoint, shall  
for the settling all the affairs of the company, and  
disposing of all its property and assets, paying  
dividing its surplus among the stockholders in  
their respective interests in the stock.

Proviso.

9. *And be it enacted*, That the said corporation  
shall possess the general powers and be subject to  
restrictions set forth in an act entitled, "An act  
corporations," approved February fourteen, one  
dred and forty-six, so far as the same may

General pow-  
ers.

it enacted, That this act shall take effect imme-

March 22, 1872.

# CHAPTER CCCXXIV.

incorporate the Laurel Grove Cemetery Company.

ENACTED by the Senate and General Assembly of New Jersey, That John H. Hindle, Hiram Gould, Corporators. an Voorhies, Joseph R. Baldwin, Alpheus S. Beaumont, George J. Hopper, Harmon Hockles Hemingway, Henry A. Hopper, Garret A. James W. Ensign, and such others as shall be associated with them, shall be and are hereby created, constituted a body corporate and politic, by the name of the Laurel Grove Cemetery Company," with the Name. powers and privileges of a corporation.

it enacted, That the said association shall have May purchase, hold and sell lands for cemetery purposes, &c. the right to purchase, to take and hold in fee, a tract or tracts in either the counties of Passaic or Bergen, New Jersey, not to exceed two hundred acres, and purpose of a cemetery, and erect thereon and other improvements as the directors may deem necessary for the objects of the said corporation; and may sell or otherwise dispose of the sub-lots of the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance under the corporate seal of said association, to be used by the president and secretary thereof, to be used for the burial of deceased persons, with the privilege of the several avenues, passages and other accommodations therein and thereunto belonging, subject, however, to such rules, regulations and restrictions as may be established in relation thereto, by any meeting of the said association; transfers of sub-lots thereunto may be made by the owner or owners

thereof, by simple assignment annexed to s  
not be valid until the assignment is record  
said association.

May sell lands  
unsuited.

3. *And be it enacted*, That if any part  
chased by the said corporation, for the  
shall be unsuited for the purpose of a ceme  
made to such corporation should contain a  
hibiting them from using such land for s  
it shall be lawful for said corporation to s  
such parts thereof as are unsuited for or v  
hibited from using for said purpose.

Directors to  
manage af-  
fairs.

4. *And be it enacted*, That the busines  
the said corporation shall be conducted a  
board of directors, consisting of ten pers  
whom shall be residents of this state, and w  
annually, at such time and place as the b  
upon notice given at least ten days previe  
vertisement in two newspapers published o  
county where said cemetery is now or sha  
cated ; at which election each share of sto  
holder thereof to one vote ; and the said d  
one of their number president, and shall  
officers and agents as they may deem exp  
compensation to be paid them ; they shall  
all vacancies in their own number, until t  
next ensuing ; and the said Board of di  
power to make and establish all needful  
ordinances and by-laws, and affix from t  
several plats and lots such prices as they  
able and proper ; and shall have the sole  
superintendence of said cemetery.

Vacancy, how  
filled.

Failure to  
elect directors  
not to dissolve

5. *And be it enacted*, That until the fir  
tors, the persons named in the first sectio  
be the directors, and may act as such unti  
in their stead ; and in case it should happ  
of directors should not be made during th  
by-laws, the said corporation shall not  
deemed to be dissolved, but such election  
other time upon due notice being given  
and the directors for the time being shal  
their office until others are chosen.

Capital stock.

6. *And be it enacted*, That the sum or  
the said corporation may agree to pay for



before mentioned, and the sums which shall be expended in embellishing, improving, beautifying, erecting and other necessary accommodations, shall be paid out of the stock of the said association, and shall be in shares of one hundred dollars each.

enacted, That on the sale of any or all of the said cemetery, not less than twenty-five per cent proceeds shall be appropriated or funded for the embellishment and maintaining the improvement and other accommodations of said cemetery and the balance received shall belong to and be divided among the stockholders according to their several shares, whatever sum shall be funded as aforesaid, shall be free from all taxes and assessments, and no assessments shall be imposed on the lot owners

*enacted*, That it shall be lawful for the majority of them, to call in the subscriptions to such stock at such times and in such sums, and as they may deem reasonable, and a failure to give such notice on the part of any stockholder or of the directors, or a majority of them, shall be a forfeiture of all moneys paid thereon, and all of his or her subscription to such stock, shall

enacted, That the said corporation shall have, Corporation to  
all the rights and privileges incident to be exempt  
as herein stated, and shall be exempt from all taxes, from taxes  
and assessments.  
and charges upon their capital stock and the  
they may acquire, hold or possess, and the  
said corporation and the said lots and parcels  
by the corporation, or when sold to individual  
held by any person, shall be exempt from all  
assessment whatsoever, and shall not be liable to  
taxation, or subject to attachment or applied to  
debts by assignment under any insolvent or  
but may be conveyed under such regulations  
the directors may adopt.

enacted, That no public street or road shall be opened through the cemetery grounds without the said corporation.

it enacted, That any association of persons Association  
purposes, and also any religious society, may may purchase  
and hold lots.



purchase and hold lots in said cemetery other, in which they may bury, agreeable to or ceremonies of their own, subject only to regulations prescribed by the said board of directors.

May take and hold grants or donations, &c. for improving grounds.

12. *And be it enacted*, That the said corporation and hold any grant, donation or bequest in trust, to apply the same, or the income thereof, in the direction of the board of directors, for the repair, preservation or renewal of any tomb, monument, gravestone, fence, railing, or other erection, and for the planting and cultivation of trees, shrubs, flowers, and for the improvement of any cemetery lot, or for improving the same in any other manner or form consistent with the purposes of this act, according to the terms of the donation or bequest.

Powers.

13. *And be it enacted*, That the provisions of the act entitled "An Act authorizing the incorporation of rural cemetery associations," approved March twenty-fifth, one thousand eight hundred and eighty-four, and the same are hereby made part of this act.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXXV

A Further Supplement to an act entitled "An Act to incorporate the Elizabeth and Newark Horse Railroad Company," approved March twenty-fifth, one thousand eight hundred and sixty-four.

May extend and construct railroad.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Elizabeth and Newark Horse Railroad Company be and they are authorized in addition to the railroad authorized by the said act, and the supplements thereto, to

said railroad from the present terminus of their Lyon's farms, through and along the old road and through Elizabeth avenue, as now laid out ex County Road Board, to Miller street, in the park.

*be it enacted*, That the time for completing said <sup>Time extend-</sup> authorized by this act, and the act to which this is a <sup>ed.</sup> supplement, and the supplements thereto, be and is extended to five years from the first day of April next

*be it enacted*, That said corporation be and they <sup>May increase</sup> authorized to increase their capital stock two hun- <sup>capital stock.</sup> dred dollars, in addition to the capital stock now by said act and said supplements thereto.

*be it enacted*, That this act shall take effect im-

March 22, 1872.

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## CHAPTER CCCXXVI.

incorporate the Cold Spring and Cape May Water Company.

*ENACTED by the Senate and General Assembly of New Jersey*, That John C. Bullitt, William J. <sup>Corporators.</sup> Jacob F. Cake, James Leaming and Return B. and all other persons who may hereafter be associated in the manner hereinafter provided, and their successors shall be and are hereby constituted and declared to politic and corporate by the name and style of Cold Spring and Cape May Water Company," and <sup>Name and powers.</sup> same shall have continual succession, sue and be sued and be impleaded, answer and be answered unto, defend and be defended, and in all manner of actions whatsoever have a common seal, and make, change or alter the seal, and acquire, hold and enjoy such real and personal estate as may be necessary for the object of this in-

Amount of  
capital stock.

Election of di-  
rectors.

Vacancies,  
how filled.

Commission-  
ers to receive  
subscriptions.

corporation, or may be taken in payment of stock of said company shall be deemed persons shall be one hundred thousand dollars, divided into fifty dollars each; that the management of the said corporation shall be entrusted to five stockholders of said corporation, who shall meet year at the annual meeting of the stockholders to be held on the first Tuesday in May, at such place in the city of Cape May, in the county of Cape May; the directors shall from time to time appoint, and an election shall be published in a newspaper published in the city of Cape May, for three successive weeks before each election, at least once in each week; the election shall be by ballot by the stockholders, or their proxy, under the inspection and direction of the stockholders, neither of them being a candidate for election; and each stockholder shall be appointed by the directors, each stockholder shall vote for each share of his or her stock, and the five persons for at such election having the greater number of votes shall be directors of said corporation for the ensuing year until others are elected in their stead; that if more than five persons shall have an equal number of votes, the said stockholders shall again proceed in like manner to elect out of the persons having an equal number of votes so many as shall equal the number of five directors, out of which five persons the directors shall, by a plurality of their votes, elect their president; and in case of a vacancy in the office of president or of any of the said directors, by the expiration of their term or otherwise, others shall be elected by the stockholders to fill such vacancy; and a majority of said directors shall constitute a quorum for doing business.

2. *And be it enacted*, That the persons named in the first section of this act shall be commissioners for the stock of said corporation, and a majority of them, may open books for that purpose in the city of Cape May, in the county of Cape May, after the passage of this act, giving fifteen days notice thereof, in a newspaper published at Cape May; and five dollars on each share of stock subscribed shall be paid at the time of subscribing the same, and the balance shall be paid by installments from time to time in such sums as the said commissioners, or



ration shall think proper and direct; and whenever  
 and dollars shall be subscribed, the said commis-  
 shall call a meeting of the stockholders within thirty  
 after, by giving one week's notice of the time and  
 such meeting, in a newspaper published in the city  
 May, for the purpose of electing directors and trans-  
 er necessary or proper business; and when direc-  
 elected, the said commissioners shall pay over to  
 money they shall have received, first deducting  
 a reasonable compensation for their own services  
 ses; and all the powers of the said commissioners  
 e and be determined on the election of a board of  
 and the said directors, or a majority of them shall  
 er, and are authorized to call upon the said stock-  
 or the payment of further installments, in such  
 such times, and under such forfeiture as they may  
 edient, until the whole amount of shares subscribed,  
 been fully paid; *provided*, the said installments,  
 least thirty days apart, and shall not be called for  
 ums than ten dollars on each share at a time, and  
 s' notice of each installment required shall be given  
 paper published at the city of Cape May aforesaid.  
*be it enacted*, That the directors shall be autho-  
 their discretion, to appoint a secretary, treasurer  
 officers, agents and servants, as they shall from  
 ne deem necessary for carrying into effect the ob-  
 powers of said corporation, to establish rules, regu-  
 d by-laws for and concerning the conduct and  
 at of the directors, their officers, agents and serv-  
 to determine the compensation to which they shall  
 d, and to require such security from them for the  
 discharge of their respective duties as they shall  
 onable and proper, and for and concerning the  
 f making transfer of the stock; and the conduct  
 nment of all persons and corporations with whom  
 contract for the use and preservation of water fur-  
 the said corporation, and to restrain the waste of  
 to impose penalties and forfeitures for any neglect  
 l to comply with such rules and regulations; *pro-*  
 penalty shall exceed one hundred dollars, which  
 and forfeitures shall be recoverable in the name  
 e use of the said corporation, before any justice of

Failure to pay  
 subscriptions  
 to work for  
 forfeiture.

Proviso.

Powers of di-  
 rectors.

May make  
 rules and reg-  
 ulations.

Proviso.

the peace of the county of Cape May, with c  
of debt.

May enter on  
lands.

4. *And be it enacted*, That it shall and m  
the said corporation by its agents, engineers,  
or others in its employ, to enter at all time  
and water in the Lower township of the  
May, or in the city of Cape May, for the pu  
ing surveying, leveling or laying out a pro  
for laying the pipes or conduits of said com  
purpose of ascertaining the quantity and fl  
for locating such reservoirs, stand-pipes an  
be necessary for the use of said company ; p  
payment or tender of the payment of all  
occupancy of any lands for any of the pur  
shall be made before the said company or a  
its direction shall enter upon or break ground  
except for the purpose of exploring, surve  
locating as aforesaid, unless the consent  
owners of such land shall be first had or obt

Proviso.

Proceedings  
in case com-  
pany and own-  
ers cannot  
agree.

5. *And be it enacted*, That when the said  
agents cannot agree with the owner or ow  
quired land or materials for the use or pur  
when by the legal incapacity or absence o  
owners no such agreement can be made, a p  
tion of the land or materials so required fo  
company in the construction of said reser  
stand-pipes, conduits or raceways shall be  
under the oath or affirmation of some en  
agent of the company, and also the name  
occupant or occupants, if any there be, and  
owners, if known, and their residence, if t  
ascertained, to one of the justices of the  
this state, who shall cause the said compa  
thereof to the persons interested, if known  
or if unknown and out of this state, to r  
thereof as he shall direct, for any term  
days, and to assign a particular time and  
pointment of the commissioners hereinafte  
time, upon satisfactory evidence to him o  
publication of such notice aforesaid, he sha  
his hand and seal three disinterested, impar  
freeholders, residents in the county in which  
materials in controversy lie, or the owners resid



and appraise the said land or materials and to  
 damages, upon such notice to be given to the per-  
 rested as shall be directed by the justice making such  
 ent, to be expressed therein, not less than ten days ;  
 all be the duty of said commissioners, having first  
 subscribed an oath or affirmation before some person  
 orized to administer an oath, faithfully and impar-  
 examine the matter in question, and to make a true  
 according to the best of their skill and understanding,  
 at the time and place appointed, and to proceed to  
 examine the said land or materials, said commis-  
 at the same time taking into consideration all the  
 to be derived from, or in consequence of the said  
 aqueduct, stand-pipe, conduit, raceway or other  
 said company, as the case may be, to the said owner  
 s, and to make a just and equitable estimate or ap-  
 of the value of the same and assessment of dam-  
 shall be paid by the company for such lands or  
 and damages aforesaid, which report shall be made  
 g under the hands and seals of the said commission-  
 y two of them, and filed within ten days thereafter,  
 with the aforesaid description of the land or mate-  
 the appointment and oaths or affirmations aforesaid  
 rk's office of the county of Cape May, to remain  
 therein, which report or a copy thereof, certified by  
 of said county, shall at all times be considered as  
 evidence of the right of said company to have, hold,  
 py, possess and enjoy the said land or materials, or  
 id owner or owners to recover the amount of said  
 with interest and costs in an action of debt, in any  
 competent jurisdiction, in a suit to be instituted  
 ne company, if they shall neglect or refuse to pay  
 for twenty days after demand made of their trea-  
 d shall from time to time constitute a lien upon the  
 of the company in the nature of a mortgage ; and  
 justice of the supreme court shall, upon application  
 party, and on reasonable notice to the others, tax  
 such costs, fees and expenses to the justice of the  
 court, commissioners, clerks and other persons per-  
 any of the duties prescribed in this section, as they  
 ll think equitable and right, which shall be paid by  
 any ; *provided always*, that should the said company Proviso.  
 ner or owners of any of the land or materials feel

himself, herself or themselves aggrieved by the commissioners aforesaid, he, she or they the next circuit court in the aforesaid county wherein said lands or materials may lie.

Proceedings  
in case of ap-  
peal.

6. *And be it enacted*, That every appeal from the commissioners appointed under the preceding act be made in writing and in the form of petition and filed with the clerk of the said circuit court of Cape May, wherein the lands or materials of the said commissioners shall be, and notice in appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall give the said circuit court full right and power to hear and determine the same; and to direct a proper issue for the trial of the controversy, to be formed between the said parties, and a jury to be struck, and a view of the premises to be taken, and the said issue to be tried at the next term of the said court to be holden in the said county of Cape May, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said court to assess the value of the said land or materials found to be sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owners, then judgment thereon, with costs, shall be rendered against the said company, and execution thereon shall be made; but if said jury shall be applied for by the said owners, and shall find a less sum than the company offered or the said commissioners shall have awarded, then the costs to be paid by said applicant or applicants shall be deducted out of the said sums found by the said court, and the portion awarded therefor, as the said court shall determine, shall not prevent the company from proceeding with the land upon filing the aforesaid report; *provided*, that if the company shall enter upon or occupy any lands of any person or persons, for the purpose of actually constructing said reservoirs, aqueducts, conduits, raceways or machinery of said company, or making any erection or improvements whatever upon or appropriating said lands to the use of said company, then they have paid to the party or parties entitled to the same, the amount assessed by the commissioners of such lands or damages; in case the report of the said commissioners is not appealed from, or if the same is

Proviso.



amount which shall be found by the jury by whom shall be tried; but in case the party or parties receive the amount assessed by the commissioners, there shall be no appeal found by the jury, and in appeal shall refuse, upon tender thereof being made, the same, or shall be out of this state, or under disability, then the payment of the amount assessed as aforesaid, into the circuit court of said county of , where said lands lie, shall be deemed a valid and payment; and further, that the party or parties entitled to the amount assessed by the commissioners may, upon tender thereof being made, receive the same without red thereby from his, her or their appeal from the the commissioners.

*It be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which have been laid through any private lands, either by the preceding section, or by agreement, with the owners thereof, it shall be lawful for the said corporation with its workmen and agents, and with necessary tools and implements to enter upon said lands and make necessary repairs and alterations, doing no unnecessary damage; *provided always*, that nothing in this section shall be so construed as to protect the workmen of said corporation from any action that may be brought against them individually by the owner or owners of lands for any damage which they may have wilfully or negligently done.

*It be it enacted*, That for the purpose of effectually supplying with water the city of Cape May, its vicinity, and the suburbs thereof, it shall and may be lawful for the corporation created by this act, and it is hereby empowered to lease or purchase such lands as may be necessary for the use of said company, not exceeding in the whole thirty acres, to make contracts with persons and corporations for the use and preservation of water, to sink wells, and to construct and maintain all such basins, reservoirs and works as may be necessary or convenient to carry out the purposes of this act, and to lay down pipes and conduits, and to erect, construct and maintain hydrants and fire plugs in the streets, alleys, lanes and other parts of the city of Cape May, and in the highways of the township in the county of Cape May, and to do all

May enter on  
lands to make  
repairs, &c.

Provided.

May make  
contract and  
engagements,  
lay pipes, &c.

Proviso.

things necessary to furnish the said city of its vicinity, and the buildings, streets and other therein with water; *provided*, that the public said highways, streets, lanes and alleys, shall unnecessarily affected or impeded in the laying of pipes, or the erection and construction of hydrants or other necessary or proper work, completion of any work, the street, side a shall be left in as good condition as before ment of any such work.

May increase capital stock.

9. *And be it enacted*, That if the water now to be used by the said corporation for the purpose of incorporation, should, by reason of the demand therefor, be insufficient to supply said May, it shall be lawful for the said corporation hereby empowered to procure an additional supply from other sources, and to erect and construct works therefor, and if necessary for such purpose, the corporation is hereby authorized and empowered to increase its capital stock from time to time, to an amount in the whole the sum of one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, to be paid by installments in the manner and upon the terms above mentioned; and whenever a subscription for additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to purchase for said stock in a ratable proportion of stock owned by them, and whenever a dividend is declared, the said corporation shall declare and make dividends upon all the stock owned and paid for.

May sell and dispose of water.

10. *And be it enacted*, That said corporation may sell and dispose of the water procured and supplied upon such conditions, for such rents, and at such rates, as the directors of said corporation may from time to time determine, and that all moneys due to said corporation for the use of any water so supplied, sold or disposed of, shall be paid with interest at the rate of twelve per centum per annum, and after the time when such money shall respectively become due.

Actions of debt.

11. *And be it enacted*, That all moneys due to said corporation for the use of water may be sued for and recovered with costs, in an action of debt or assumpsit, before any court of competent jurisdiction; and in case of non-

It shall be lawful for said corporation immediately without notice to the person or persons failing to come, to cause the supply of water to the premises of person or persons so failing to pay for the use of such water to be stopped; and such moneys so due for the use of water supplied to any building or other premises shall be and shall remain a lien upon such building, and the lot or curtilage thereof, until erected, from the time such moneys shall become due until the same shall be paid.

Moneys for use of water to remain a lien on lands.

*And be it enacted,* That the president and directors of said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the profits of the said water works; and the said corporation shall cause to be kept at their office proper books of account, which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

Dividends.

*And be it enacted,* That said corporation shall have power to borrow such sum or sums of money from time to time as may be necessary to purchase lands or to build, construct, maintain and procure such reservoirs, stand pipes, machinery, engines, pumps, pipes, hydrants, conduits and things necessary for the use of said company; and the payment thereof by the bonds or notes of said corporation or by mortgage on the property, land, privileges, and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided,* that it shall not be lawful for said company to violate any statute or statutes of this state against usury in any law or equity instituted to enforce the payment of any note, mortgage or other security, executed in pursuance of this act.

May borrow money and issue bonds.

Provided.

*And be it enacted,* That if any person shall wilfully do any act or acts whatever, to injure any machine, reservoir, pipe, fire plug, hydrant or structure, or anything appertaining to the works of the corporation or whereby the same may be obstructed, or injured, or shall wilfully and maliciously draw off the water from any fire plug or hydrant, the person so doing shall be deemed guilty of a misdemeanor, and if convicted shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county

Penalty for injuring works.



## Proviso.

jail not exceeding six months, or both; *provided* that no criminal prosecution shall not in any wise impair the right of the corporation for damages by a civil suit, and the said corporation is authorized to bring an action and recover damages by a civil suit for any such injury aforesaid, by and in the name of the corporation, in any court in this state having jurisdiction of the same.

## Penalty for polluting water.

15. *And be it enacted*, That if any person wilfully pollute or adulterate the water in any river, stream, duct, stand-pipe, conduit or raceway, erected, constructed, built or laid down by said corporation, every person so offending shall be deemed guilty of a misdemeanor, and a conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the state prison for any term not exceeding three years, or both, at the discretion of the court.

## Taxation.

16. *And be it enacted*, That said corporation shall be assessed and taxed upon the full and actual value of its real and personal property only, and not upon the value of the capital stock paid in, and said corporation shall be entitled to all deductions for and in respect to debts and liabilities of the corporation in the same way and to the same extent as natural persons now are or hereafter may be under the laws of this state.

## Failure to elect not to dissolve.

17. *And be it enacted*, That if at any time it shall appear that an election for directors shall not take place within the time herein appointed for that purpose, this corporation shall be deemed dissolved; but the directors for the time being shall appoint a future day to hold such election for directors, and give the same notice of such election as is herein required for that purpose.

## General powers.

18. *And be it enacted*, That the corporation shall possess the general powers and be subject to the same restrictions and liabilities set forth in an act entitled "An act concerning corporations," approved February the eighth, eighteen hundred and forty-six, and the several amendments thereto, so far as the same are applicable.

19. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXXVII.

to incorporate the Freehold Park Association.

ENACTED by the Senate and General Assembly of New Jersey, That James Odikirk, William H. George H. Irons, Hudson Bennett, George W. John D. N. Willis, George Schenck, Daniel Con-les Conover, John H. Ellis and Henry Bennett, other person and persons as may hereafter be as- with them and their successors, shall be and they y constituted a body corporate and politic in fact v, by the name of "The Freehold Park Associa- by that name shall have power to sue and be liable answer and defend, plead and be impleaded unto, ts of law and equity in this state.

be it enacted, That the said society shall from time have power and authority to make, ordain ish such constitution, by-laws and regulations as majority of them shall deem proper, and to alter e the same at pleasure, for the designation of the the said society, and by the election of the same, ibing their several functions and their compensa- opt a corporate seal, and all other acts necessary ganization of the corporation hereby created, and nsacting, managing and conducting the affairs of y, and the maintaining and preserving good order act over and among the visitors on the grounds of ociety; *provided*, such constitution, by-laws and s shall not be repugnant to the constitution and s state or of the United States.

be it enacted, That the said corporation here- d, shall have power and authority from time to all times to acquire, purchase or lease and use, ess and enjoy such real estate, not exceeding in all, ed and fifty acres, and such personal estate as they necessary for the purpose of the said society, and r any part of such real or personal estate to sell, lease or otherwise dispose of at pleasure; and also

Corporators.

Name.

May adcpt by-laws.

Provide.

May hold real and personal estate.

with power and authority to make, build and erect real estate so held by them, such buildings, improvements as they may deem proper and the better carrying into effect the objects and contemplated by the provisions of this act.

### Taxation.

4. *And be it enacted*, That all lands, tenement and estate which may hereafter be held, owned or possessed by any corporation, society, or company, shall be subject to taxation for all purposes in this state; *provided, however*, that the capital stock and shares of said society, and all the personal property of the said corporation shall be exempt from and shall not be liable for taxes levied or assessed against or upon the same, so long as and no longer than the said society or corporation pays no dividend on the capital stock, scrip or shares of said society.

### Object

5. *And be it enacted*, That the objects of the said act shall be to improve and encourage the agriculture, horticultural and the mechanical, manufacturing and other arts, and productions of this state, and of other states and territories.

**May hold fairs  
and exhibi-  
tions.**

6. *And be it enacted*, That for the purpose into effect the objects and purposes of the said act, it be lawful for said society to hold upon their premises, from time to time, and as often as they shall deem proper, and exhibitions, and to give to the exhibitors of said exhibitions premiums and other rewards, and to demand and receive for the said society's own use reasonable fees for admittance of exhibitors and spectators at said grounds and exhibitions as the said society may deem proper.

Authorized to  
appoint per-  
sons to make  
arrests.

7. And be it enacted, That for the purpose  
and preserving peace, good order and decorum  
society's grounds, and among the visitors and  
the same, it shall be lawful for the said soc-  
from time to time one or more fit, proper an-  
son or persons, who shall take and subscribe  
the sheriff of the county of Monmouth, or one  
of the court of common pleas in and for the  
oath or affirmation, which oath or affirmation  
the office of the clerk of the county of Monm-  
be of the like form and effect as now requir-  
constables to take and subscribe, and which



pointed and sworn shall possess the same powers  
 city on the premises of said society, and on the  
 adjacent thereto, which constables now possess in  
 ses; and they shall have power and authority to  
 persons who shall be there found violating any of  
 this state, or who shall conduct themselves in a  
 or immoral manner, or disturb or wrongfully in-  
 the said fairs or exhibitions; and the said par-  
 ested shall, as soon as conveniently may, be taken  
 the justice of the peace of said county of Mon-  
 re to be dealt with according to law.

*be it enacted*, That the capital stock of the said <sup>Amount of</sup>  
 hereby created shall be the sum of fifty thousand <sup>capital stock.</sup>  
 ided into five hundred shares of one hundred dol-  
 hare, and which capital stock shall be deemed per-  
 erty, and such shares shall be transferable, but  
 the books of the said corporation, in such manner  
 society may prescribe.

*be it enacted*, That this act shall take effect im-  
 and the same to be repealed, altered or amended  
 sure of the legislature.  
 d March 22, 1872.

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## CHAPTER CCCXXVIII.

change the name of Job Hillman Gaskill Meirs  
 to Job H. Meirs Gaskill.

Job Hillman Gaskill Meirs, of the county of <sup>Preamble.</sup>  
 th, has been adopted by Job H. Gaskill, of the  
 f Burlington, who is desirous of having the name  
 Job Hillman Gaskill Meirs changed to Job H.  
 Gaskill, and no reason appearing to the contrary,

*ENACTED by the Senate and General Assembly of*  
*of New Jersey*, That the name of Job Hillman <sup>Name chang-</sup>  
 Meirs, of the county of Monmouth, be and the same <sup>ed.</sup>



is hereby changed to Job H. Meirs Gaskill, and he shall possess and enjoy all the rights, privileges which he would have possessed and enjoyed had he retained his original name of Job Hillman Gaskill.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1872.

## CHAPTER CCCXXIX.

### An Act to incorporate the New Jersey

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Fishburne, Charles Sitgreaves, Richard F. Stevens, William H. Lammson, Gershom Mott, Benjamin Clark, George T. Jones Yorke, and such other persons as may be named and associated with them, shall be and are hereby constituted and declared to be a body politic and corporate, and in law, by the name of "The New Jersey Corporation," and by that name, style and title shall have perpetual succession, and all the privileges, franchises and immunities of a corporation, may have a common seal, sue and be sued, plead and be impleaded, and purchase, hold and convey such lands, tenements, leasehold estates and goods and chattels, securities and estates, real and personal, mixed, as may be necessary or proper for the purposes of the said corporation hereby created.
2. *And be it enacted*, That the amount of the capital stock of said company shall be five millions of dollars, divided into one hundred thousand shares, each of one hundred dollars each, with the privilege of increasing the same by the vote of the holders of a majority of the shares present at any annual or special meeting, to be held by the company, as they may, from time to time, deem necessary, and in all the sum of seventeen millions of dollars, and by like vote, said capital stock may be divided into

ck, in such proportions as said company may de-

*be it enacted*, That the corporators above named, Commissioners to open books and receive subscriptions.  
 y of them, shall be commissioners to open books  
 g subscriptions to the capital stock of said cor-  
 such times and places as they may deem expedi-  
 days' notice being given, by public advertisement  
 ; and when not less than five hundred shares shall  
 ubscribed for, and twenty per centum thereon paid  
 eholders may elect not less than three nor more  
 directors, to serve until the next annual election,  
 ir successors shall be duly elected and qualified,  
 of stock entitling the holder thereof, at all elec-  
 vote; the balance due upon the stock so subscribed  
 shall be payable at such times and places, and in  
 ements, as the board of directors may direct; and  
 e of payment as directed, the said board shall have  
 feit the shares of each and every person so failing  
 installments, or any of them, to and for the use of  
 y.

*be it enacted*, That the directors, a majority of whom Election of directors.  
 idents of the state of New Jersey, shall be elected  
 r the stockholders, on the first Tuesday of May of  
 twenty days' notice, by advertisement published  
 ore newspapers, being given of such elections; and  
 lect from their number, at the first meeting of the  
 their election a president, and shall have power President.  
 n their number, or otherwise, such other officers  
 as the business of the company may require; that  
 s so chosen, or a majority of them, may and they  
 uthorized and empowered to have and exercise  
 orate powers of the company, and to make and  
 ch by-laws and regulations for its management as  
 r needful to them.

*be it enacted*, That the corporation hereby created Power to accept and hold shares of stock in other corporations.  
 power to accept and to hold from the Pennsylvania  
 ompany, lessee of the Delaware and Rarital Canal  
 the Camden and Amboy Railroad and Transporta-  
 ny, the New Jersey Railroad and Transportation  
 and the Philadelphia and Trenton Railroad Com-  
 which said Pennsylvania Railroad Company, as  
 hereby authorized to assign and transfer the same),  
 portion of the shares of stock and estate and in-

terest in other railroad and canal companies, in passenger railroad companies, in ferry companies and ferries, in turnpike companies, and a plank road and other property, real or personal, and which have been acquired by the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company and the New Jersey Railroad and Transportation Company and which passed to the said Pennsylvania Railroad Company under and by virtue of the lease and assignment of the said Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, the New Jersey Railroad and Transportation Company, the Philadelphia and Trenton Railroad Company, the Pennsylvania Railroad Company, lessee, for and during the term of thirtyeth, one thousand eight hundred and eighty and ninety years, to enter into contracts with any of the owners of shares of stock or estate or interest whereof the same have been accepted and held, for and in respect to the carrying on of the traffic on or over or for the operation of the same works, the improvement, extension and maintenance of the same, and for the better and more efficient carrying out of the objects and purposes of the same corporations have been created; and such corporations are hereby authorized, in their behalf, to make contracts by and with the assent, in writing, of two-thirds of the stockholders, respectively, and when necessary to purchase the stock and bonds or either or end of the same, the payment of dividends or of the principal of the same, either of the stock and bonds of such corporations.

May make  
contracts.

Authorized to  
issue capital  
stock.

6. *And be it enacted*, That it shall be the duty of the Pennsylvania Railroad Company hereby incorporated to issue its capital stock and in the name of "The Pennsylvania Railroad Company" Lessee of the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, the New Jersey Railroad and Transportation Company, the Philadelphia and Trenton Railroad Company, to such an amount as may be determined to be necessary for the redemption of the said shares of stock, estates and interests, real and personal, so assigned and transferred to the Pennsylvania Railroad Company, lessee; *provided*, that nothing in this act contained shall in any way release the Pennsylvania Railroad Company

Provided.



duties or obligations assumed by them under the conditions of said lease and contract; that nothing contained shall impair or invalidate any rights of New Jersey may have in any of the corporations in this act, nor shall any act authorized to be done by this act, be considered as a waiver of any rights of New Jersey has or may have in the said corporations or any of them, nor shall this act be construed as authorizing the said corporations or any of them to enter into any contract that may lessen, decrease or impair any of the rights of the state of New Jersey, or diminish or impair the rights of the state of New Jersey in the

Rights of the  
state not to be  
impaired.

be it enacted, That this act shall take effect imme-

diately after the date of its passage, to-wit: the 22d day of March, 1872.

## CHAPTER CCCXXX.

To incorporate the High Bridge Railroad Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Lewis H. Taylor, William J. Beavers, John C. Welsh, Jesse M. Sharpe, James H. Walker, and such other persons hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the High Bridge Railroad Company," and by that name their successors and assigns, shall and may have succession, and shall be persons in law capable of being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any courts and places whatsoever, and shall have power to use a common seal, and the same at pleasure to give and they and their successors, by the same name and shall be capable of purchasing, holding and conveying

Corporators.

Name and  
powers.

any lands, tenements, goods and chattels wh  
sary or expedient for the objects of this inc

Capital stock

2. *And be it enacted*, That the capital stock of the said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and the said company may increase the same to an amount not exceeding the cost of the railway and appurtenances within the limits after authorized; and the said capital stock shall be personal property, and shall be transferable as the by-laws of the said company shall direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named company, or a majority of them, may open books and make calls and contributions to the capital stock of the said company at such times, and place or places, as they or a majority of them may think proper; and whenever there shall be a call for shares of the said stock subscribed, the said company, or a majority of them, may give notice for a meeting of the subscribers to choose seven directors, and such meeting may be made at the time and place appointed in the notice by such subscribers as shall attend for that purpose, or by lawful proxy or in person, each share of the said stock entitling the holder thereof to one vote; and the said incorporators, or the majority of them, shall call for and receive such election, and certify under their hands and seals those persons duly elected directors, and cause the same to be subscribed in the subscription books to the said directors at the time of the said directors, and the said directors, or a majority of them, or the aforesaid, shall at their first meeting, or annual meeting, or annual election of the said company, or as soon after as possible, every such election, choose out of their own number a president; and in case of the death, resignation, or absence of the president, the president or any director, such vacancy may be filled for the remainder of the year within which it shall happen, by the said board of directors, or a majority of them, and in case of the absence of the president, or a majority of them, or a majority of them, may appoint a president pro tempore, who shall have such power and authority as the by-laws of the said company shall provide.

Vacancies, how filled.

Failure to elect not to dissolve.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made within the time when pursuant to this act it ought to be made, the said company shall not, for that cause, be deemed to be dissolved, and such election may be held at any other time.

the time being, shall continue to hold their office  
ones shall have been chosen in their places.

*It be it enacted*, That four directors of the said com- Failure to pay  
installments  
to forfeit  
shares.

be competent to transact all business of the said  
and they shall have power to call in the capital  
the said company, by such installments, not to exceed  
s on each share at one time, and at such times as

direct; *provided*, that such installments shall not Proviso.

for at a shorter period than thirty days from each  
d in case of the non-payment of said installments,  
them, to forfeit the share or shares upon which such

all arise; and to make and prescribe such by-laws,  
regulations as to them shall appear needful and

uching the management and regulation of the stock,  
estate and effects of the said company, and also

power to appoint a treasurer and secretary, and so  
ks and servants as to them shall seem meet, and to

and fix such salaries to them, and also to the presi-

o said board shall appear proper.

*It be it enacted*, That the president and directors of Authorized to  
construct rail-  
road.

any be, and they are hereby authorized and in-

h all the rights and powers necessary or expedient

lay out, construct and operate a railroad by such

e route as they shall deem expedient, from a con-

h the railroad now owned and operated by the

on Works, at or near High Bridge, in the county

rdon, to a connection with the Chester railroad,

r, or at such point as the Chester railroad may

led to, and with the further privilege of running May run  
branches.

or branches, from the main line to any mine or

distance not exceeding three miles; but said rail-

not exceed one hundred feet in width, unless more

be required for the slopes of cuts and embank-

th as many sets of tracks and rails, as said company

a necessary; and it shall be lawful for said com-

others in their employ, to enter at all times upon all

waters for the purpose of exploring, surveying,

and laying out the route or routes of such railroad,

ating the same, and to locate and erect all necessary

uildings, conveniences, appurtenances and append-

of doing no unnecessary injury to private or other

and when the route or routes of such railroad, and

on or locations of other works, buildings, con-



conveniences, appurtenances and appendages thereto, which have been determined upon, and a survey of such location or locations deposited in the office of the clerk of the board of state lands, of state, then it shall be lawful for the said officers, agents, engineers, superintendents, or other persons in their employ, to enter upon, and to cut, clear, grub, or remove, or to hold, have, use, occupy and excavate any lands, and to erect embankments, bridges, and all other works, lay rails, and to do all other things so far as may be suitable or necessary for the completion, repair and maintenance of said railroad, and for the conveyance of passengers and freight to and from the terminus thereof, in the city of New York and elsewhere, subject to the provisions of this act, and to the provisions of the constitution as is hereinafter provided; *provided* that the payment or tender of the payment, of all damages for the occupancy of lands through or upon which the railroad and its conveniences, appurtenances and appendages are laid out or located, be made before the said survey is made, by any person under their direction or employ, or by the company or break ground in the premises, except for the purpose of surveying and laying out said railroad, and its appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of the lands first had and obtained.

Proviso.

Proceedings  
in case com-  
pany or own-  
ers cannot  
agree.

7. *And be it enacted*, That if the owner of the lands, or the company which such survey or location for said railroad has been made, shall not be willing to give the same for the same, and said company and owner cannot agree as to the same, it shall be the duty of any justice of the peace, or of the court, who is disinterested in the premises, upon the application of either party, and after giving ten days notice in writing, to the opposite party of such application, to hear and determine the parties, to appoint three disinterested persons to assess the price of value of said lands, and to be sworn or affirmed, faithfully to execute the duty of the said appointment; and after like notice to both parties, the said parties and place, shall meet, view the premises, and take the same in evidence, if desired, and thereupon make a decision and award, as to them shall appear just and equitable, and transmit such decision and award, together with a true and correct copy of the location of the said land, and the quantity taken, and how situated and bounded, and described in their hands and seals, or under the hands and seals of two of them, to the justice who appointed them.



and filed in the office of the clerk of the county the land lies, together with all the papers before him thereto, there to be kept as a public record, and taken, if required by either party; and if either party feel aggrieved by the decision and award of said commissioners, the party so aggrieved may appeal to the circuit, at the next term after such decision and award, proceeding in the form of petition to the said court, with notice, in writing, to the opposite party of such proceeding shall vest in the said circuit court and power to hear and adjudge the same, and if they shall award a venire in proper form for a jury them, who shall hear and finally determine the same; shall be the duty of the said jury to assess the value said land and all damages sustained; and if the said demanded by the said company, and they shall find a sum than the said commissioners, then judgment given, with costs against the said company, and execution if need be; but if the said jury shall be decided by the owner or owners, and shall find the same or a sum than the commissioners awarded, then costs shall be by the owner or owners, and shall be deducted out of said sum awarded by the said commissioners, or execution therefor, as may be directed by the said court; on payment or tender of the sum so found by the said commissioners or by the jury, with costs, if any, the said land shall be deemed to be seized and possessed, in fee of all such lands and real estate appraised as afore-

Proceedings  
in case of ap-  
peal.

and be it enacted, That in case any owner or owners of land or real estate shall be feme covert, under age, or out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report, so made in behalf of such person into the court of chancery, to the clerk of the court, subject to the order of the said court, for the use of the owner or owners, all of which said proceedings as ordered under this as the preceding section of this act, shall be paid by the said company, except the costs of appeal above provided for; and the said justice of the peace may order and direct as to the amount of costs and fees of such valuation and appraisement and witness fees,

Proceedings  
in case per-  
sons are inca-  
pacitated.

and as to the payment thereof in cases where made.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the company to construct and keep in repair good bridges or crossings over or under the said road any public or other road shall cross the same, so that the passage of carriages, horses and cattle across the same shall not be unnecessarily impeded thereby, and if the company neglect to perform the same, after giving twenty days notice to the company by the person or public officers of the repairs or maintenance of said road so that any person or public officer may do the work, or cause it to be done, and recover the value thereof from the company in the common process of law.

May purchase equipments.

10. *And be it enacted*, That the president of the said company shall have power to have or cause to be purchased with the funds of said company, and to have the railroad constructed by them, all machinery, wagons, carriages or vehicles for the transportation of persons or any species of property thereon as the president shall think reasonable, expedient or right; *provided*, that the company shall not charge more than at the rate of ten cents per ton for the transportation of such property on the railroad as is usually carried by the ton, or eight cents per ton for each passenger on said railroad, in the company, or six cents per ton per mile for each ton of property transported as is usually carried by the ton, or three cents per mile for each passenger carried over the railroad in the carriages of others, and three cents per mile for each empty carriage; and that the railroad shall include the land over which the same shall be constructed, all the works and improvements, steam engines and all other property whatsoever belonging to the company at any time or times, are hereby vested in the company incorporated by this, and their successors and assigns, during the continuance of this act.

Rates for transportation.

Dividends.

11. *And be it enacted*, That the president of the said company shall, within one year after the said railroad shall be completed, declare and make such dividends as he shall think prudent and proper, of the net profits of the company, and shall in like manner, semi-annually thereafter, declare dividends, and pay the same to the stockholders.

y, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

*And be it enacted*, That if any person shall wilfully Penalty for  
injuring  
works. injure, destroy or obstruct the use of the railroad erected under the provisions of this act by the said company or any of its bridges, carriages, machines or appendages, such person or persons so offending shall forfeit and to the said company the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction, in and out of debt, with costs; and further, shall be liable for damages.

*And be it enacted*, That the said company may have May purchase,  
hold and possess  
real estate. real estate at the commencement and termination of the said railroad, and its several stations on the lines of the said railroad to a sufficient extent to provide accommodations and conveniences for the business of said railroad, and may erect and build thereon houses, warehouses, machine shops, and other buildings and improvements as it may deem expedient for the safety of property and construction of cars and other necessary uses, and take and receive the profits and emoluments thereof, and shall have the right and authority to erect, build and maintain such bridges over any rivers and streams of water on the line of the said road as it may find expedient and necessary for the enjoyment of all the benefits conferred by this act.

*And be it enacted*, That as soon as the said railroad in any part of it is in operation, the president of said company shall file, under oath or affirmation a statement of the cost of the said railroad, including equipment, appendages and all expenses in the office of the secretary of state; and annually thereafter, on the first day in January of each year, he shall under oath or affirmation, make a statement to the secretary of state of the cost of the equipments, appendages and expenses of said road, and the said railroad or any part thereof, shall be in operation. The said corporation shall pay to the treasurer of this state a tax of one-half of one per centum of the cost, equipment and appendages of said road, to be paid annually on the first Monday in January of each year, and other taxes as may be assessed from time to time by any law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said railroad, or

Statement of  
costs to be  
made.

State tax.



Proviso-

May issue  
bonds.

any part thereof, shall be in operation, the same shall be regularly assessed and pay tax for the real estate, including improvements thereon, property, as now taxed in city or cities, townships wherein it lies, at the same time and in the same manner, for the same purpose, and by the same or persons, as other taxes are assessed in said township or townships; *provided*, that no other post shall be levied or assessed upon said company.

15. *And be it enacted*, That the said company have power, and it is hereby authorized to make its bonds for the purpose of securing their payment, to mortgage its real estate and personal property, railroad or railroads, and the appurtenances, franchises, powers and rights belonging thereto, which it may possess by virtue of its incorporation, to such amount as it may deem proper, and to sell or negotiate the same at such rate of interest and discount, not exceeding seven per centum, as may be for the best interests of the company, without the assent thereof by virtue of any statute of this state; and the bonds and mortgages so sold or negotiated, shall be valid, and binding in law and equity; and the purchasers under a decree in equity of foreclosure of any such bond or mortgage, shall be invested with all the real estate, rights, franchises, powers and privileges which may be conferred upon or possessed by said company, or by virtue of its act of incorporation, and all claims thereto; subject, nevertheless, to all restrictions and limitations contained therein.

Free passes.

16. *And be it enacted*, That the chancellor, judges of the supreme court, and members of the legislature, shall have free passage on said railroad for the time for which they may be appointed to hold office.

17. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect from its passage.

Approved March 22, 1872.

## CHAPTER CCCXXXI.

to incorporate the Safety Fund Insurance Company.

IT ENACTED *by the Senate and General Assembly of New Jersey*, That all such persons as shall be stockholders to the capital stock hereinafter mentioned, successors and assigns, shall be and are hereby constituted made a body politic and corporate, and have power to be sued, by the name and style of "The Safety Insurance Company;" and the principal office of the company shall be located in the city of Rahway, in the New Jersey, and the board of directors may establish offices in such other places as they may deem expedient.

And be it enacted, That the capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to the sum of five hundred thousand dollars.

And be it enacted, That Joseph T. Crowell, Joseph W. A. Staats Bonney, L. Murray Perkins, Josephus and Christopher D. Marsh, be and they are hereby named commissioners to open the books of subscription to the capital stock of the said company, and that ten days' previous to the time and place of the opening of said books be given by the said commissioners, or a majority of them, by publication in a newspaper in the city of Rahway, that said books of subscription may be kept open as long as the said commissioners, or a majority of them, shall so choose; *provided, however*, in case there should be deaths or resignations among the commissioners above named, then the remainder may elect others to supply the vacancy or vacancies.

And be it enacted, That the said commissioners shall receive to be paid at the time of each subscription by each subscriber to the capital stock aforesaid, an installment of at least ten per cent. of the amount subscribed for in cash, and the balance may be paid for in such first class securities on

real estate or other interest-bearing securities. Commissioners hereinbefore mentioned shall deem sufficient. The said association shall not effect or place issue policies, or accept premiums for the least the sum of one hundred thousand dollars fully paid up, either in cash or in such interest-bearing securities as shall be acceptable to and received by the commissioners.

May increase  
capital stock.

5. *And be it enacted*, That the capital stock may be increased at any time to such amount as the board of directors may determine, not exceeding the said sum of one hundred thousand dollars, and they shall open books for said increased stock, after ten days' previous notice in a newspaper published in the city of Rahway, and any person who shall then own the stock of the said association shall have the privilege for five days of subscribing for said increased stock, and after that time, if not subscribed for, any increase of stock may be subscribed for by any person on the terms of said subscription, and the mode of payment shall be fixed, prescribed and determined by the board of directors.

Directors to  
divide them-  
selves into  
classes.

6. *And be it enacted*, That the affairs of the association shall be managed and conducted by fifteen directors, of whom at least ten shall be citizens of this state. The board of directors shall, by lot or otherwise at a special meeting, divide themselves into three classes or divisions, the first class holding office until the next succeeding annual election hereinafter provided; the term of the second class shall be until the following annual election; and the term of the third class at the election next following the last, so that at each annual election five directors shall be chosen, and their offices for the term of three years, or until they are re-elected in their stead; and a majority of seven directors shall constitute a quorum for the transaction of business.

Annual elec-  
tion.

7. *And be it enacted*, That the annual election shall be held the year eighteen hundred and seventy-two, and in every year thereafter, as hereinafter provided, shall be held on the second Monday in May, in every year, at such place in the city of Rahway as the board of directors may determine, and notice shall be given in one or more newspapers published in the city of Rahway, at least ten days previous to the day of holding the election; such election shall be presided in by the direction of any three stockholders, appointed by the board of directors.



rs for that purpose ; and such election shall be by  
 by a plurality of the votes of the stockholders and  
 es, one vote for every share of stock ; and in case  
 th, resignation, refusal to serve, or any other in-  
 f one or more of said directors, for the space of two  
 ter such election, then, and in every such case, the <sup>Vacancies,  
how filled.</sup>  
 directors shall have power to fill such vacancy or  
 until the next election ; and in case it happens  
 ection for directors shall not be held on the day  
 suant to this act, it ought to have been held, the  
 any shall not for that cause be dissolved, but it shall  
 be lawful on any other day to hold such election,  
 rdered by the board of directors.

*be it enacted*, That when the books of subscrip- <sup>First directors</sup>  
 be closed by the said commissioners, and the sum  
 hundred thousand dollars paid in as hereinbefore  
 the said commissioners shall call a meeting of the  
 by an advertisement for at least ten days in  
 paper, published in the city of Rahway, giving  
 place where said meeting will be held, and they  
 proceed to elect the first directors of the company,  
 sified as hereinbefore provided ; the term of the first  
 ring the second Tuesday in May, eighteen hundred  
 y-three, and the said commissioners shall appoint  
 ctors inspectors of said election.

*be it enacted*, That it shall be the duty of the said <sup>Officers.</sup>  
 on organizing the company at the meeting of said  
 held first after their election and annually there-  
 choose one person for president, one person for vice-  
 at the same time, both of whom shall continue in  
 the next annual election, and until others are chosen  
 ead ; and the vice-president shall perform the duties  
 sident in case of the death, absence or inability of  
 ent to act ; and may elect such other officers as shall  
 ary and proper for the successful management of  
 any.

*and be it enacted*, That the said directors shall have <sup>May make by-  
laws.</sup>  
 make and prescribe all such by-laws, rules and regu-  
 to them shall appear needful and proper for the  
 ent of the business and property of the company, to  
 and change such officers as may be deemed prudent  
 le for the interests of the company, and to allow



them, respectively, such compensation for they may deem reasonable.

May make insurances.

11. *And be it enacted*, That the said company have power to make insurance upon dwelling houses, and upon all kinds of buildings, and upon household furniture, machinery, merchandise, and all personal and real estate, against loss or damage by fire, and against all losses or damages pertaining to such risks, upon such rates and conditions as may be agreed upon, and contained in their policies of insurance, and to effect insurance to be effected whenever they shall see fit so to do.

Policies and contracts binding on company.

12. *And be it enacted*, That all policies and other contracts founded thereon and authorized by the company may be made with or without the seal of the company, and shall be subscribed by the president or other officer as may be designated for that purpose, and attested by the secretary, and so subscribed and attested and executed, shall be binding on the company according to the true meaning of this act and of said policies and contracts, and all such policies and contracts may be made, and shall be attested and executed, and the business of the company otherwise conducted, managed and carried on, in the presence of the board of directors, by contract, in any manner, as provided by the by-laws; and the same shall be binding and obligatory on the said company.

Stock, how transferable.

13. *And be it enacted*, That the stock of the company shall be deemed personal property, and as such may be transferred on the books of the company.

May purchase and hold real estate.

14. *And be it enacted*, That it shall and lawfully may be the power of the said company to purchase and hold so much real estate as shall be deemed necessary for the accommodation of the said company, and also to purchase real estate or securities, mortgaged or otherwise pledged to the said company, or to secure any debt which may be contracted with said company, or to redeem the moneys so pledged or secured, and also to purchase on sales made at law, or done in equity or any other legal manner, otherwise to receive and take any real estate or securities towards satisfaction of any debt previously due to the said company; and to hold the same

invest so much of the capital stock and the surplus from the business, as they shall deem fit, in such as the board of directors shall decide, subject to conditions, however, as are hereinafter provided.

*be it enacted*, That it shall be lawful for the directors Dividends.

to declare and pay dividends out of the profits of the company to such an extent as shall appear advisable, from time to time, to the stockholders of said company, or their representatives; *provided*, that the said dividends shall Proviso,

not at any time exceed the net profits made by the said company; *provided further*, that at least twenty per centum Proviso.

of the profits of said company shall be semi-annually retained and invested as a safety fund, until the said fund shall amount to the sum of one hundred thousand dollars; and the said fund shall be invested either in bonds of the United States, state or municipal bonds authorized by the legislature of New Jersey, or in first mortgages on real estate located in this state, and worth at least double the amount of the same.

*be it enacted*, That in case the directors deem it Policies.

advisable, they shall have power to issue policies, and give, subject to such terms and restrictions as they may see fit, participation in the profits to the insured.

*be it enacted*, That this act shall take effect immediately.

March 22, 1872.

## CHAPTER CCCXXXII.

to provide for the election of a County Collector, and of the County Poor House, and of County Commissioners in the county of Burlington.

*ENACTED by the Senate and General Assembly of New Jersey*, That at the first annual election of the general assembly of this state, after the expiration of this act, and at such election every third year

Election of county collector, auditor, and steward of poor house.

thereafter, there shall be chosen, by the said county of Burlington, one person to be collector of said county, and one person to be steward of the poor house and the farm attached thereto, and their respective offices for the term of one year; one person to be county auditor in said county, to hold his office for one year; the electors of said county vote for said county collector, county auditor, and steward upon the same ballot with members of the assembly, and the election shall be conducted in the same manner as the election of sheriff now are and may be required by law.

**Vacancy, how filled**

2. *And be it enacted*, That in case of a vacancy in said offices, by death or otherwise, a successor shall be supplied by the board of chosen men of said county, at a special meeting of the said board, within fifteen days thereafter, until the day of the succeeding the happening of the death of the collector, county auditor or steward of the poor, the person elected or appointed to supply such vacancy, giving bond at the said meeting, as is hereinafter provided, enter upon the duties of the office, and shall continue in the same, until his successor shall have been elected at the next general election as aforesaid, and give and receive the oaths of office and qualification.

Persons elect-  
ed to be resi-  
dents of the  
county

3. *And be it enacted*, That the persons collector, county auditor, and steward of the county of Burlington, by virtue of residents of said county at the time of the and shall have been residents of said county at least five years next before the election be necessary to be a freeholder of said county to the said office.

**Meeting of  
board of free-  
holders.**

4. *And be it enacted*, That hereafter the meeting of the board of chosen freeholders at the place of holding the court of common pleas of the said county, for the transaction of business, shall be at the hour of eleven in the forenoon, on the first day after the general election, and the person or persons appointed county collector of said county of Burlington by virtue of this act, shall, before he enters upon the duties of said office, give bond at said meeting, with two or more good and sufficient sureties, being freeholders and residents in said county, in and to the said clerk of the court of common pleas, in the sum of five hundred dollars, to be paid to the said clerk of the court of common pleas, in full satisfaction of the performance of his duties as collector of said county, and to be conditioned in and to the said clerk of the court of common pleas, in and to the said clerk of the court of common pleas, in the sum of five hundred dollars, to be paid to the said clerk of the court of common pleas, in full satisfaction of the performance of his duties as collector of said county, and to be conditioned in and to the said clerk of the court of common pleas, in the sum of five hundred dollars, to be paid to the said clerk of the court of common pleas, in full satisfaction of the performance of his duties as collector of said county.

**Bond of collector.**



chosen freeholders of said county, in the penal sum of one thousand dollars, to be approved of by the chosen freeholders for the time being, conditioned on the faithful performance of the duties of his said office as clerk of said county, according to law, which said certificate shall be approved as aforesaid, shall be filed in the office of said county, and said clerk shall issue a certificate under his seal of office, that at the annual election next to be held, the said person was duly elected county clerk of the county of Burlington for the ensuing term, to continue for three years from that time, which certificate shall be deemed legal evidence of his election; and when said clerk shall have given bond as aforesaid, it shall be the duty of the clerk of the board of chosen freeholders to issue to him a certificate that his official bond has been approved and filed according to law.

*Be it enacted*, That the county collector of the county of Burlington hereafter to be elected, shall be entitled to compensation for his services the sum of one thousand dollars to be paid as the salaries of other county officers in lieu of all other compensation for such services.

*Be it enacted*, That the persons now elected to the office of county collector and county steward, by the board of chosen freeholders of the county of Burlington, shall continue to exercise all the rights, and discharge all the duties pertaining thereto, the said collector until his successor shall have been elected at the next annual election, and the said steward until the twenty-fifth day of March, one thousand eight hundred and seventy-three; *provided*, they shall give bond as aforesaid, and as is hereinafter provided, by the board of chosen freeholders of said county, at their meeting on the second Wednesday in May next.

*Be it enacted*, That the person elected to the office of county collector as aforesaid, and the person who shall continue in said office until such election shall take place as aforesaid, shall forthwith deposit all moneys by him received as clerk of said county, in a bank within the county of Burlington, and no part of said moneys so deposited as aforesaid shall be paid out or withdrawn from said depository, except by checks, signed by said county collector, and countersigned by the county auditor as is hereinafter provided.

*Be it enacted*, That if the person so elected to or

Compensation  
of collector.

Persons in of-  
fice to dis-  
charge duties.

Proviso.

Moneys to be  
deposited.

How with-  
drawn.

Collector not  
to use money  
for his own  
benefit.

continuing in office as county collector, shall take any part of said moneys so received for the county for his own use or benefit, or for whatever, than for the payment of the debt of said county, to be ascertained and paid as provided, or as is otherwise provided for by law. Any collector deemed and adjudged to be guilty of a misdemeanor in conviction thereof, shall be punished by a fine of five hundred dollars, or imprisonment at the discretion of the court, not exceeding two years, or both.

Steward of  
poor house to  
give bonds.

9. *And be it enacted*, That every person after be elected steward of the poor house of Burlington, under and by virtue of this act, he enters upon the duties of said office, shall give at least three securities, being freeholders of said county, to the board of chosen freeholders of said county, in the penal sum of ten thousand dollars, to be approved of by the said board of chosen freeholders, on the Tuesday next after said election, as evidence of his faithful performance of said office as steward of the poor house of the county of Burlington, according to the said bond, being approved as aforesaid, and filed in the clerk's office of said county.

County clerk  
to issue cer-  
tificate of  
election.

10. *And be it enacted*, That whenever a new steward of the poor house of the county of Burlington shall be held under and by virtue of this act, it shall be the duty of the clerk of the county, upon the filing of a statement of the result of the election by the canvassers, to issue to the person who shall be elected steward, a certificate, under his seal of office, that at the election then lately held, the said person was duly elected steward of the poor house of the county of Burlington for the ensuing term, which shall be for three years from the first day of March then ensuing, which certificate shall be legal evidence of his election; and when the said steward of the poor house shall have given bond as aforesaid, it shall be the duty of the clerk of the board of chosen freeholders to him a certificate that his official bond has been given and filed according to law.

Compensation

11. *And be it enacted*, That the steward of the county of Burlington hereafter to be elected shall be entitled to receive for his services the sum of



ollars per annum, to be paid as the salaries of other  
ers are paid, in lieu of all other compensation  
ervices.

*It be it enacted*, That the legislature, in joint Election of  
county auditor  
sembled, shall appoint a suitable and competent  
o shall have been a resident of said county for the  
e years next before said appointment, county audi-  
county, who shall continue in office and exercise  
nts and discharge all the duties appertaining there-  
same are hereinafter defined and prescribed, until  
or shall have been elected at the next annual elec-  
taken the oath and given bond as hereinafter pro-

*It be it enacted*, That whenever an election or ap- Clerk to issue  
certificate of  
election.  
for auditor of the county of Burlington shall be  
or by virtue of this act, it shall be the duty of  
of said county, upon the filing in his office of the  
of the result of the election of the board of county  
, or a certificate of his appointment, to issue to  
who shall by such statement or certificate appear  
een elected or appointed county auditor as afore-  
tificate under the seal of his office, that at the an-  
on then lately held, the said person was duly elect-  
inted auditor of said county of Burlington for the  
ng term, which certificate shall be deemed legal  
f his election.

*It be it enacted*, That said county auditor so to be Auditor to  
take oath and  
give bonds.  
and elected as aforesaid, before entering upon the  
is office, shall take and subscribe an oath or affirm-  
re one of the judges of the court of common pleas  
nty, that he will well, faithfully, honestly and im-  
discharge all the duties required of him by law, and  
ll not allow any claim, demand, charge, or account  
id county of Burlington, unless satisfied that the  
stly due, which oath or affirmation shall be filed in  
f the clerk of said county, to be there preserved  
public papers, and shall also enter into bond, with  
re securities, to be approved by the judges of the  
of common pleas, when first appointed, and after-  
the board of freeholders of said county, at their  
n the Tuesday next after the annual election afore-  
e sum of one thousand dollars, conditioned for the  
rformance of his official duties, which bond, upon

being approved as aforesaid, shall likewise be the office of the clerk of said county.

Duties of the  
county audi-  
tor.

15. *And be it enacted*, That it shall be the duty of the county auditor so appointed to superintend the taxes, dues, revenues, and other claims of the county, now due, payable or collectible, or hereafter payable or collectible, to institute and direct proceedings against delinquent officers of the county, and to collect and debts due to the county, to examine and audit and adjust all bills, claims, demands and accounts to or which may be presented against the said county, and to certify the amount so adjusted to him to the county collector, for receipt and that in the performance of this duty he shall be authorized and required to administer an oath to the party or person presenting such accounts, and to any witness or witnesses who may be called in with respect to said claims, account or demand, to examine the same, as to the truth, fairness, correctness of said accounts or claims; and the said auditor shall keep a record or registry of all accounts and claims presented and adjusted, allowed and certified, and the amount the same was due, which said record shall always be open to inspection and examination of the citizens of the county, and that the said county auditor shall counter all checks drawn by the county collector, and no checks shall be evidence of payment unless countersigned by said auditor, and he shall counter the receipts for money paid to the said county collector.

Auditor to ex-  
amine ac-  
counts and  
make state-  
ment, &c.

16. *And be it enacted*, That the said auditor shall audit, and oftener if he shall deem it necessary, the accounts of the debts and credits of the county, and examine the books kept by the county collector, and if he shall find any irregularity or deficiency therein, he shall, immediately rectified or explained to his satisfaction, and with report the same in writing, to the directors or board of freeholders; and also, that he shall examine into the condition of the funded debts of the county, and if he finds that any bonds, or other securities are issued by the county for any other purposes, or in any other manner than authorized by law, he shall thereupon immediately



ector of said board; and also, that the said auditor annually, at the regular meeting in May, report to the of freeholders, the financial condition of the county, of expenditures for the succeeding year, arranged appropriate heads, together with all the transactions ce, which report shall be signed by the said audie open to the inspection of all the citizens of said

*And be it enacted,* That the said county collector of <sup>County collector</sup> of Burlington shall be under the control and sub- order of the board of chosen freeholders of said d liable in all respects as heretofore, as is provided cept only as in this act is otherwise declared, and hall also state and settle accounts of his receipts rsements, after the same shall have been audited ted by the county auditor, with the said board of eholders, twice in each and every year, that is to e stated meetings in May and the stated meetings ber, as is hereinbefore provided for, in each and r thereafter; and that the said board of chosen s of the county of Burlington shall, twice in each year hereafter, within thirty days next after the d meetings in May and November, cause to be ublished, a full and complete account, in items, ir receipts and expenditures for the preceding half he manner as is now required by law, instead of g the same yearly as heretofore.

*And be it enacted,* That the said auditor of the county <sup>Compensation of auditor.</sup> tton, hereafter to be elected, shall be entitled to re- his services the sum of five hundred dollars per e paid as the salaries of other county officers are shall not be entitled to have or receive any other mpensation whatever.

*And be it enacted,* That the said steward of the poor <sup>Steward, to whom account- able.</sup> farm, when elected as aforesaid, and while in office, ys be under the direction, superintendence and gov- f the board of chosen freeholders of the said county tton, and accountable thereto, as an officer or ser- id board, as fully and entirely and in all respects r of removal only excepted) as if he, the said ad been elected by the said board, as heretofore, is now subject to under the law and the regulations, s and by-laws of the said board.

Repealer.

20. *And be it enacted*, That all acts and provisions compatible with the provisions of this act, are hereby repealed, and that this act shall take effect immediately.

Passed March 25, 1872.

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## CHAPTER CCCXXXIV.

A Supplement to an act entitled "An Act to amend an act passed April first, eighteen hundred and seven, relating to the Seacaucus road, from the westerly line of the Paterson avenue to Pen Horne's creek, Hudson," approved April first, eighteen hundred and seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers and duties of the commissioners named in the act entitled act, it shall be lawful for the said commissioners to build a sewer, drains and receiving basins in the Paterson avenue and Seacaucus road, commencing at a point three hundred feet east of the easterly line of the road to a point about two hundred feet west of the line of the road, and that all expenses and costs thereof, when the same shall be completed, shall be assessed by the said commissioners in like manner, and the same proceedings shall be had thereunder, as in cases of regulating, grading, cutting, flagging and paving, as provided in the original act, to which this is a supplement. And no assessment shall be made on lands south of the Seacaucus road running through Snake Hill; and the mode of confirming the assessment for the same shall be the same as is named in this section, the manner in which the same shall become and remain a lien on the lands, and the mode of sale of lands, tenements or real estate, and assessments, and all matters and things relating to the same, shall be the same as are required by law.

Commissioners may build sewers, drains and basins.

Proviso.

Proviso.

act, to which this is a supplement, and the supplement, for the improvements named in the ninth section referred to.

*And be it enacted*, That if at any sale, or adjourned sale, of lands, tenements, or real estate, for unpaid assessments, the whole or any part of such lands, tenements, or real estate, shall remain unsold for the want of purchasers, it shall and may be lawful for the treasurer of the county of Hudson, as payment and security on account of any obligations made or given, or to be hereafter made, or for any moneys advanced, or to be advanced, by the county of Hudson, in the furtherance of, or in connection with any improvement made, or to be made, under the act, and all supplements thereto; *provided*, that any sale or sales, or purchase by the said treasurer, shall be on the same conditions and redemption; and the said treasurer shall be vested with the same rights and privileges as individuals.

*And be it enacted*, That any declaration of sale received by the said treasurer may, by order of the said commissioners, be assigned by said treasurer to any person or persons who will pay all sums of money that may be due thereon, and who shall possess all the rights and privileges of an original purchaser.

*And be it enacted*, That it shall be the duty of the treasurer to deliver all declarations of sale received by him to the clerk of the county of Hudson, who is required to keep the same in a suitable book to be provided for that purpose, and who shall receive from the said treasurer at the rate of ten cents per folio for recording said declarations of sale, which is to be repaid to the treasurer by the owner of the land so sold, or by any other person who will pay the same at the time of redemption, the said treasurer to receive the said declarations of sale after the same shall be recorded.

*And be it enacted*, That when any of said lands, tenements, or real estate shall be redeemed by the payment of the assessments due, for which the same was sold, and all legal costs, fees and expenses incident to said sale, it shall be the duty of the said clerk of Hudson county, on application to him, and on producing to him the said declaration

Treasurer may purchase lands remaining unsold, for unpaid assessments.

Proviso.

Declarations of sale may be assigned.

County clerk to record declarations of sale, &c.

Declarations of sale, how cancelled or record.

tion of sale, with a receipt therein signed by surer, or his assignee, to enter in a margin, that purpose, opposite this record made by him the said redemption, payment and discharge shall be a full and absolute bar to, and discharge, entry, record and declaration of sale.

Collector to  
counter-sign  
certificates of  
indebtedness

6. *And be it enacted*, That the collector of Hudson, shall countersign the certificates of indebtedness issued by the commissioners named in above subject to the provision hereinafter stated, and certificates of indebtedness so countersigned, Hudson shall be obligated, and is hereby required to pay, at maturity, in case the said commissioners shall not for that purpose; and all money advanced by Hudson, for the payment of such certificates of indebtedness, or for, or on account of any improvement by the original act, to which this is a supplement, shall be repaid to the collector of the county of Hudson, by the treasurer of the said commissioners, the first moneys received for, and on account of for the improvement, for which the money was *provided*, that the collector of the county of Hudson shall not countersign any certificates of indebtedness, unless he be authorized so to do by a resolution adopted for that purpose, by a vote of not less than a half of all the members of the board of chosen freeholders of the county of Hudson; *provided also*, that the act contained shall be so construed as to repeal so much of the second section of a supplement to the original act as in this is a supplement, approved on the seven day of March, in the year eighteen hundred and seventy-one, authorizes the board of chosen freeholders, of the county of Hudson, to advance all money required for any improvements, to be done under the act therein referred to, in relation to the collection of assessments for said improvements.

County of  
Hudson obli-  
gated.

Proviso.

Proviso.

Board of free-  
holders au-  
thorized to  
borrow money  
and issue  
bonds.

7. *And be it enacted*, That the board of chosen freeholders of the county of Hudson are hereby authorized to borrow such sum or sums of money as shall be necessary for the purposes of the act to which this is a supplement, and to issue the bonds of the county of Hudson therefor, payable at such times and in such amounts as the said board may elect.

8. *And be it enacted*, That any surplus money



now in the possession of the commissioners, or that after come into their possession, may be paid by the commissioners, and applied to any indebtedness to any improvement or improvements authorized by which this is a supplement, or of any of the supplements thereto, and for such other purposes relating to said improvements as the said commissioners may in their judgment.

*And be it enacted*, That all of the provisions of the act which is a supplement, and of the supplements thereto, to the improvements authorized by this act, and matters herein contained, as fully to all intents and as if this act had been incorporated therein, except so far as they be contrary to the provisions of this act.

*And be it enacted*, That this act shall be a public act, and take effect immediately.

March 25, 1872.

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## CHAPTER CCCXXXV.

To authorize the extension of New street, from Maple street, in the township of East Orange, in the county of Essex, to Munn avenue, in said township.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Jotham H. Condit, Joseph and George W. Bowers, of the township of East Orange, be and they are hereby appointed commissioners, authorized and invested with all the rights, powers, and authority necessary and expedient to survey, lay out, and open a street, which shall be fifty feet wide between the corners; said street to be called New street, and to be an extension of the street of that name in said township of East Orange; said street to commence in the line of Maple avenue, in said township of East Orange, so that the centre of the same shall be at a point opposite the centre of New street aforesaid, where

Surplus money, how applied.

Act. how construed.

Commissioners.

Authorized to lay out, open and locate street.

said New street intersects said Maple avenue running in a westerly direction to a point in the line of a street called Thompson street running easterly from Mary A. Trusdell, surveyed by W. H. V. Rees, the said point being about six hundred and seventy-two feet westerly from the beginning point, and where the line drawn from Cherry street twenty-five feet easterly is exactly parallel with the southerly line of land of John Colie will intersect the said point in the said line of said Thompson street; thence westerly along the line of said Thompson street seven hundred feet to the easterly line of Mary A. Trusdell in the township of East Orange aforesaid; and the said commissioners, their agents, surveyors, and others in their employ, to enter upon the said lands for the purpose of surveying, locating, and laying out the route of said street, and the commissioners shall enter upon the duties prescribed by this act and take an oath or affirmation to act faithfully and impartially in the execution of their trust.

May enter on  
lands, &c.

Time of com-  
pletion.

2. *And be it enacted*, That the said commissioners shall complete the surveying, extending, laying out, and opening of the said street, on or before the first day of January next, or within sixteen hundred and seventy-two; and immediately after the completion of the survey, they shall file a copy of the plat in the office of the county clerk in said county, and the said street is so extended and laid out by the said commissioners, and worked and put in proper and ready order for the accommodation of the travelling public, and after be worked and kept in order by the township of East Orange.

Commission-  
ers to allow  
damages and  
assess benefits  
to owners of  
lands.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have full power and authority to allow damages and assess benefits to the persons owning lands upon which said street may be located, and to persons for lands taken for said street, when the damages are more than the benefits assessed, then the said commissioners, or a majority of them, shall have power and authority to assess such excess of damages upon the owner of the lands who in the opinion of the commissioners are benefited thereby, whether the lands are on the line of said street or contiguous streets, in proportion as to said commissioners, or a majority of them.

Proviso.

a fit and just; and the said commissioners shall be served upon the owners of lands upon which said notice may be located, written notice of the time and place of meeting of the commissioners to assess damages by the taking of his, her or their lands, for said notice shall be served at least six days before of such meeting, upon such owner or owners personally by leaving a copy of such notice at his, her or their place of abode; and if the place of abode cannot be ascertained, then by publishing said notice in some daily newspaper of said county for six days; and a like notice shall be served in the same manner by said commissioners upon any other owner or owners who shall be deemed by said commissioners to be benefited by said street, of the time and place and where the said commissioners will proceed to assess benefits.

*And be it enacted*, That if any owner or owners of lands or upon which benefits are assessed as aforesaid, dissatisfied with the assessment of said commissioners, or they may, within ten days after a copy of the decision of the commissioners shall be served upon them (which shall be served in the manner prescribed for serving notice mentioned in the third section of this act), appeal from the same by filing a written appeal with one of the justices of the supreme court of this state, and the justice being satisfied by due proof that six days' notice has been given to said commissioners of the time and place, shall appoint three disinterested men, who shall be residents of the said county of Essex, to review the said assessment of damages and benefits made by said commissioners, and to assess, increase or confirm the same as to them shall seem just, and their report, or a report of a majority thereof filed in the office of the clerk of the court of common law of the county of Essex, shall be final and conclusive; and notice as is required in the third section of this act, shall be given by the persons authorized to be appointed in the third section to the said commissioners, and the owners of lands assessed by said commissioners of the time and place of meeting, to review the said assessments; and the persons appointed as aforesaid, to review said assessments, shall, before they enter upon their duties, take an oath or affirmation to do faithfully and impartially.

*And be it enacted*, That, notwithstanding any appeal

Persons dissatisfied with decision of commissioners may appeal.



May proceed  
to open  
streets, &c.

from the decision of the commissioners named in this act, it shall be lawful for the said person to proceed with the opening of said street upon which it shall be located, if the sum or sums for damages by said commissioners be first deposited with the clerk of the court of common pleas of the county of Essex, to be applied to the payment of the amount to be awarded upon a rehearing, or to the payment of the owner or owners should the appeal be withdrawn or otherwise discharged.

Failure of  
owners to pay  
assessments,  
actions to be  
commenced.

6. *And be it enacted*, That if any land owner shall neglect to pay the amount of his, her or its assessments for benefits as made and determined by the provisions of this act, for the space of three months from said commissioners of the amount of said assessment, as assessed by them, or in case of an appeal by a land owner from the decision of said commissioners provided in the fourth section of this act, then for the space of three months after the amount of said assessment has been finally determined by the persons authorized to make said assessments, and their report filed with the commissioners aforesaid, it shall be the duty of the said commissioners they are hereby authorized and empowered to collect by law, with costs of suit, in their own names (as commissioners aforesaid), from said land owner the amount of said assessment; and that any assessment for benefits by virtue of this act shall be and remain a lien upon the land assessed as benefited until paid.

Assessments  
to remain a  
lien.

Assessment  
and collection  
of expenses,  
&c.

7. *And be it enacted*, That the expenses incurred by the commissioners in and about the surveying, extending, opening and putting in order for the traveling of said street shall be determined by them, and thereupon by them upon the owner or owners of the land benefited by the opening of said street in the same manner and at the same time as they shall make the other assessments under this act; and may sue for and collect the same in the same manner and at the same time as is hereinbefore provided for collecting assessments for benefits; and the said commissioners and the persons appointed by virtue of this act, shall each receive as compensation for their services under this act, the sum of two dollars per day for every day they be actually engaged in and about the execution of this act.

Compensation  
of consultants  
&c.

*be it enacted*, That in case of the death, refusal or <sup>Vacancies,</sup>  
 serve of any commissioner or commissioners named <sup>how filled.</sup>  
 section of this act, one of the justices of the su-  
 t of this state may on application made to him by  
 g commissioner or commissioners, or of any one  
 rs of the land on the line of the said street to be  
 extended, appoint a person or persons to fill the  
 easoned by the death, refusal or inability to serve  
 mmissioner or commissioners; and said person or  
 appointed having taken the oath or affirmation re-  
 id commissioners, said commissioners shall there-  
 d as if no vacancy had occurred.

*be it enacted*, That all acts and parts of acts incon- <sup>Repealer.</sup>  
 this act, and contrary to the provisions of the  
 d the same are hereby repealed so far as the same  
 roposed street.

*be it enacted*, That this act shall be deemed a  
 and shall take effect immediately.  
 arch 25, 1872.

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## CHAPTER CCCXXXVI.

nt to an act entitled "An Act appointing com-  
 in School District Number One, of Linden,  
 nty, for the purpose of purchasing ground and  
 school house thereon," &c.

he board of commissioners appointed by the act <sup>Preamble.</sup>  
 his is a supplement, in the erection of the school  
 nd providing the necessary furniture, apparatus,  
 gs and fences, and paving the school lot and  
 l purchasing a school lot mentioned in said act,  
 sarily contracted to pay the sum of four thousand  
 re than has been for such purposes provided by

ENACTED by the Senate and General Assembly of  
 New Jersey, That the township committee of said

Committee  
authorized to  
issue bonds.

township of Linden are hereby authorized to  
ever called upon by the said board of com  
bonds of the said township of Linden for  
four thousand dollars, which bonds shall  
of said board of commissioners for the  
such increased expenditure.

Bonds exempt  
from taxation.

2. *And be it enacted*, That said bonds  
sums of one hundred dollars each, with in  
centum, payable half yearly, five of which  
payable in one year from the date of their  
said bonds shall annually thereafter becom  
be paid with the interest as above provide  
all the bonds shall be exempt from taxat  
township purposes.

Payment of  
bonds.

3. *And be it enacted*, That said townsh  
have power and authority, and are hereby  
vide for the payment of said bonds and th  
thereon, in the manner and at the same t  
in and by the fourth section of the act  
supplement, for the payment of the bonds  
rized to be issued by said township commi

4. *And be it enacted*, That this act sh  
mediately.

Passed March 25, 1872.

## CHAPTER CCCXLII

An Act to provide for the improvement of  
Farnum Preparatory School.

State appro-  
priation.

1. *BE IT ENACTED by the Senate and G*  
*the State of New Jersey*, That it shall be  
state treasurer to pay to the trustees of the  
ratory School, at Beverly, on the warrant  
out of any money in the treasury not other  
the sum of three thousand dollars, for the  
repairs of the said Farnum Preparatory S



d for the purpose named, under the direction of  
ard of trustees.

*be it enacted*, That this act shall take effect imme-

d March 26, 1872.

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### CHAPTER CCCXLIII.

ment to an act entitled "An Act to provide for the  
ectual prevention and detection of crime in the  
of Hackensack," approved February twenty-  
eighteen hundred and sixty-nine.

ENACTED *by the Senate and General Assembly of*  
*New Jersey*, That all the provisions of the act to Act extended.  
is a supplement, be and they are hereby extended  
rgen County Vigilance Association, of the town-  
rrington, so far as the same are applicable.  
*be it enacted*, That this act shall take effect imme-

d March 26, 1872.

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### CHAPTER CCCXLIV.

ment to an act entitled "An Act to incorporate the  
Boonton," approved March eighteenth, eighteen  
and sixty-seven.

ENACTED *by the Senate and General Assembly of*  
*New Jersey*, That the first section of the act to Amendment.  
is a supplement shall be amended as follows, to

wit: that where the southerly boundary line of the Rockaway river, shall extend thence in a direct line to where it now intersects the public road leading to Boonton, thence along the westerly side of the road to where it intersects the Newark turnpike, in a direct line to the farm bridge of John Morris, and thence to the Morris canal.

Powers vested

2. *And be it enacted*, That hereafter all the powers and duties now vested in the board of trustees of the town of Newark, in the act to which this is a supplement, shall be vested in the mayor and common council of the town of Newark, to be chosen as hereinafter provided.

Officers, election and term of.

3. *And be it enacted*, That at the annual election on the said first Saturday in May, there shall be a ballot, and by the legal voters of the town of Newark, the clerk and two inspectors of election, to hold the offices for one year, and four councilmen, two of whom shall hold their respective offices for two years, and three for one year; and at the next election voted at said election shall state the term of office of the councilmen are respectively elected; and at the next election after the first election, the councilmen shall hold their respective offices for two years and the clerk and inspectors are elected and sworn into office.

Duties and powers of the mayor.

4. *And be it enacted*, That the mayor shall be the executive officer of the town; that he shall preside at the meetings of the common council at any time or place, upon the suggestion or upon the request in writing of any member thereof; that all ordinances of the common council, before taking effect, receive his approval, and if he disapproves, he shall be returned by him to the town clerk, with a written statement after the passage of the same, with a written statement of his objections thereto; that he shall sign all ordinances which have been approved by him, after it has been countersigned by the town clerk in the book of ordinances; that he shall grant all such licenses as shall be granted by the common council; that he shall sign all contracts for the sale of lands and real estate, or unpaid taxes, or notes, bonds, or obligations of the town of Newark for money; that he shall in cases of emergency, appoint special policemen for temporary service, and shall have all the powers and perform all the duties of the men of the town, and shall receive the salary of the

me of such service; that for the purpose of riot, disturbance or disorderly assemblage, he control of all the police force of the town, and to call upon the citizens for aid; that he shall, in each year, communicate to the common council a statement in writing of the situation and condition of the town, in relation to its government, finances and interests, with such recommendations as he may think proper; that he shall be vigilant in causing the ordinances of the town to be enforced, and shall exercise a control over the acts and conduct of all subordinates, and examine into all complaints that may be made against them; and that he shall receive no compensation for his services.

*It enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be absent from the town, sickness, or any other cause preventing him from attending to the duties of his office, the president of the common council, or, if the said president shall be disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of a mayor, during the vacancy in office caused by the absence or disability of the mayor or president of the council.

*It enacted*, That the common council shall hold a meeting within thirty days after the annual election, and shall elect a president from their own body, and in his stead a president pro tempore, and appoint the time and place for the meeting; that they may adopt, alter, and repeal by-laws for the government of the town; that five members shall constitute a quorum for the transaction of business, but any less number may adjourn from time to time, and may compensate absent members; that in the failure of any member to attend any meetings of the common council for three consecutive months, or more, the other members shall declare his seat vacant; the town clerk (or in the absence of such person as they may appoint pro tempore) shall keep an accurate record of all their proceedings; that no ordinance shall be passed except with the concurrence of a majority of the council, and no ordinance shall be in force until it shall have been presented and read at a meeting; that no ordinance shall take effect until it shall be certified by the town clerk, shall within ten days after its passage, have been laid before the mayor,

Vacancies,  
how filled.

President of  
council may  
act as mayor.

Common  
council

Mayor to ap-  
prove ordi-  
nances.



## Proviso.

and approved by him in writing, except *provided*, that in case the mayor shall nance, so laid before him, within four passage, it shall take effect in the same approved it, as aforesaid, and that in ca to the town clerk, within the time ab written statement of his objections theret cil shall, at the first regular meeting th objections at length on the record of th may then proceed to reconsider and pass vote of two-thirds of their whole number take effect as aforesaid; and each and passed as aforesaid, shall be published fo of the newspapers published in said to enacting clause of such ordinances sha "Be it ordained by the Common Coun Boonton."

## Enacting clause.

Adopt and re-  
peal ordi-  
nances.

7. *And be it enacted*, That the common of Boonton shall have power within said lish and modify, amend or repeal ordinan purposes:

## Finances.

I. To manage, regulate and control th perty, real or personal, of the town;

## Quell riots.

II. To prevent vice and immorality, peace and good order, to prevent and ances and disorderly assemblages in the depots of railroad companies, to r all acts tending to disturb public schools worship, or to annoy persons passing to c

## Gaming houses.

III. To restrain and suppress diso houses, and houses of ill fame;

To license  
beer saloons,  
inns and tav-  
erns, &c.

IV. To license and regulate inns or houses or cellars, billiard and bowling s late, license and restrain ale and beer s where spirituous, vinous or malt liquors s

## Exhibitions.

V. To prohibit, restrain, license and exhibitions of natural or artificial curiosi mals, theatrical exhibitions, circuses and c ances or exhibitions for money;

Boundaries of  
streets.

VI. To ascertain and establish the bou highways, public lanes and alleys in said and remove all encroachments upon sai lanes and alleys;



regulate, clean and keep in repair the streets, <sup>Repairing of streets.</sup> lanes and alleys, and bridges, (except county said town, and to prevent and remove obstructions, incumbrances in and upon all streets, highwalks, crosswalks, bridges, sewers, drains, aqueduct courses, in any manner whatever, to prescribe in which persons or corporations shall exercise the right granted to them in the use of any street, alley in said town, to direct and regulate the clearing, trimming and preserving of ornamental trees in the streets, parks and grounds of said town, to authorize or prohibit the removal or destruction of trees, and to enforce the removal of snow, ice or other obstructions from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon, and to restrain, and prohibit the blasting of rock within the corpo-

to prevent or regulate the erection or construction <sup>Stoops, cellar doors.</sup> of porches, steps, platform, bay-window, cellar door, area, or to a cellar or basement, sign, or any post or erection projecting in, over or upon any street or avenue, to enforce the same in a summary manner at the expense of the owner or occupant of the premises;

to prevent and punish horse racing within the corpo- <sup>Horse racing, &c.</sup> and immoderate riding or driving in any street, to authorize the stopping and detaining of any person found guilty of immoderate driving or riding in any

to regulate the speed and running of locomotive <sup>Running of locomotives.</sup> and railroad cars through said town, and to designate

places at which any railroad company shall be required to station flagmen or signals, to warn travellers of the approach of locomotive engines or cars; to protect the property of buildings within said town of Boonton from injury by fire from passing locomotives, and to that end to punish by a fine not less than twenty or over one hundred dollars, or by imprisonment not less than ten or over ninety days any engineer or railroad employee, found guilty in charge the running of a locomotive engine, carelessly or wilfully allow fire to be thrown from such engine while passing through said town, so as to unnecessarily endanger the firing of property or buildings therein; to regulate, protect and improve the parks and other <sup>Public parks.</sup> grounds in said town;

Lighting of  
streets.

XI. To provide lamp and gas fixtures, streets, parks and public grounds of ever said town ;

Cisterns, &c

XII. To make and regulate wells, pumps, cisterns in the public streets and grounds ;

Public pounds

XIII. To establish and regulate one or more to prevent the running at large of horses, and other animals, geese and other poultry, and impounding and sale of the same for the penalty the cost of keeping, impounding and sale thereof ;

Tax on dogs.

XIV. To regulate and prevent the running of dogs, to authorize the destruction of dogs and to impose taxes or fines on the owners thereof ;

Slaughter  
houses.

XV. To locate, regulate, prohibit and restrict houses ;

Drunkards.

XVI. To restrain and punish drunkards, vagabonds and street beggars ;

Nuisances.

XVII. To abate or remove nuisances of every kind, to compel the owner or occupant of any butcher's shop, chandler's shop, soap factory, cellar, stable, sewer, drain, or other offensive or unwholesome place, to cleanse, remove or abate the same, and to do so in a summary manner, as often as they may be required for the health, comfort and convenience of the town, at the expense of the owner or occupant thereof ; to regulate and prohibit any practice having the effect to frighten animals, or to annoy any person passing or the sidewalks of said town ;

Day and night  
police.

XVIII. To establish, regulate and control the day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation ;

Bathing.

XIX. To regulate or prohibit swimming in the waters of, or bounding the city ;

Fire depart-  
ment.

XX. To establish, regulate and control the fire department, to regulate and define the manner of the removal of the officers and members of the department, their duties and their compensation ; to provide and other apparatus, and engine-houses and to keep and preserving the same, and to provide for extinguishing fires ;

To pave, curb,  
and gutter.

XXI. To level, grade, curb and pave, flag, and to lay the sidewalks in any street, highway, lane or road, and to scribe the manner in which the said work shall be done ;

use the expense thereof to be assessed on the ad-  
s, whether improved or unimproved, and collected  
the manner as for regulating, grading and paving

To prescribe and define the duties of all officers Duties and compensation of officers.  
by the common council and their compensation,  
penalty or penalties for failing to perform such du-  
to prescribe the bonds and sureties to be given by  
s of the town for the discharge of their duties, and  
or executing the same, in cases not otherwise pro-  
by law;

To fix and determine a reasonable compensation Compensation  
to any officer of said town, or other person em-  
them, for any service required of him by this act,  
ordinance or resolution passed by them, for which  
fee or compensation is provided by this act, to be  
e person or persons for whom such service shall be  
for the use of the town.

*be it enacted*, That the common council shall have May make, alter and re-  
make, establish, alter, modify, amend and repeal  
her ordinances, rules, regulations and by-laws, not  
o the laws of this state or of the United States,  
ay deem necessary to carry into effect the powers  
conferred and imposed on them by this act or by  
law of this state.

*be it enacted*, That the common council shall have May raise  
raise by tax, in each year, such sum or sums of  
money by tax.  
they shall deem expedient, for the following pur-

or lighting the streets of the town.

Lighting  
streets.

or regulating, cleaning, and keeping in repair the Repairing of  
streets.  
l highways;

or the support of the police department;

Police.

or the support of the fire department;

Fire.

or the supplying the town with water for the extin- Water.  
of fire;

or the contingent expenses of the town, and for all Contingent  
expenses.  
poses authorized by this act; *provided always*, that proviso.

t, and the manner of assessing and collecting such  
ns of money, shall be the same as provided for in  
nth section of the act to which this is a supplement.

*and be it enacted*, That the town clerk shall be clerk Town clerk,  
his duties.  
mon council, and subject to their direction; that



he shall attend all their meetings, and keep record of all their proceedings; that he shall have custody of the seal and all books and papers belonging to the town, or which may be filed in the office of the town clerk; that he shall engross and attest all ordinances granted by the common council, in a book to be kept for that purpose, and shall request the mayor to sign copies of such ordinances as have been approved; that he shall countersign and keep a record of all moneys granted by the mayor; that he shall receive from the treasurer all moneys which, by any law or usage, are or may be paid to the town clerk, and shall report thereof to the common council as often as may be required, every three months; that he shall countersign and seal all bonds, notes or other evidences of indebtedness to be made in behalf of the town, upon the order of the common council; that he shall receive and keep an index in books to be kept for that purpose, of all sales and declarations of sale of lands and real estate, and of all taxes or assessments, and all assignments thereof; that he shall also attest the said certificates and declarations, and shall cancel the said certificates when the said lands or premises shall be redeemed; that he shall give certificates of redemption in such records for such certificates, declarations and assignments to all persons who apply for the same; that he shall, in general, perform such other duties as may be required of him by this or any other law; and that he shall receive such compensation as the common council may direct.

Copies to be  
received in  
evidence.

11. *And be it enacted*, That copies of all orders, resolutions, or records of the proceedings of the common council, or any part thereof, certified by the said clerk, under the seal of the town, shall be received as evidence in all courts and places whatsoever.

Notice to be  
given of any  
improvement  
of streets, &c.

12. *And be it enacted*, That when any order or resolution shall be presented to the common council for making any improvement, such as the laying out and opening a new highway or alley, or the constructing of a new street, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or part thereof, or the altering of the grade of any street or high-

thereof, or the grading, graveling, paving, macadam or otherwise improving of any street, highway or any part or parts thereof, or the widening straightening, grading, flagging or reflagging, curbing or paving or repaving of any sidewalk and gutter in any street, highway or alley, or any part or parts thereof, or the filling down, draining, filling up and fencing of any lot, or any parcel of ground, public notice of such contemplated improvement shall be given by the town clerk, by publishing of the proposed ordinance, for at least two weeks, in the newspapers of the town; and that the said notice shall state the time and place of meeting of the common council at which they will proceed to consider the said ordinance, that at such meeting ample opportunity shall be given to all parties in favor or opposed to the said improvement to present their views with reference to the same, in person or otherwise, as the common council may at the time and that the common council may, in their discretion, from time to time for a further consideration of the

Notice to be published.

*And be it enacted,* That any ordinance which may be passed by the common council for the laying out and opening of any street, highway, or alley, or the constructing of a sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part thereof, shall be accompanied by a map, to be prepared under the direction of the common council, or to be ordered by them, as soon as conveniently may be after the passing of the ordinance; and that said map shall not only show the termini, courses and distances of the improvement, but shall particularly, as the same are described in the ordinance, but shall also show the lands and real estate to be affected herefor, and the name or names (as far as may be known) of the owner or owners of such lands and real estate, which map shall be filed in the office of the town

Ordinance passed to be accompanied by map.

*And be it enacted,* That as soon as may be after the passing of any such improvement as the laying out and opening of any street, highway or alley, or the construction of a sewer or drain, or the vacating, straightening, altering or widening of any street highway or alley, or any part thereof, or the altering of the grade of any street or highway, or any part or parts thereof, or the grading,

Costs and expenses to be ascertained and determined by council.

graveling, paving, macadamizing or otherwise any street, highway or alley, or any part or the widening, straightening, leveling, grading, reflagging, curbing or recurbing, paving or sidewalk or gutter in any street, highway or part or parts thereof; and the expense thereof, surveying, and a moderate allowance (the sum estimated by the common council) for the cost of assessment hereinafter provided, shall be determined by the common council, and be entered upon the record of their proceedings in the amount so ascertained and determined, shall be treated as, and be held to be the true and making such improvement.

Copy to be given to board of assessment.

15. *And be it enacted*, That when any such resolution in relation to any such improvement shall be passed by the common council, and attested by the town clerk, shall, without delay, be by him to the board of assessments or any member thereof, and the said clerk shall also give public notice thereof, two weeks, in a newspaper printed in the town and place (the same having been appointed by the council) when and where the board of assessments shall meet, to assess damages and benefits as aforesaid, of making any such improvement as aforesaid may be; and that the nature and object of the improvement shall be briefly stated in such notice, so as to identify the same.

Notice of meeting.

Duties and powers of the board.

16. *And be it enacted*, That the members of the board of assessments shall attend at the time and place appointed as aforesaid; that three of their number shall constitute a quorum for the transaction of business, and be sufficient to make any assessment, but that one member shall have power to adjourn any meeting; that the board shall adjourn from time to time, that it shall be their duty to hear parties interested in or affected by the improvement, and to give every opportunity to be heard upon the subject of the improvement, that they shall not only view the premises, but shall have power to examine witnesses under oath or affirmation, and that power may be administered by any one of their number; that they shall assess the said damages, benefits and expenses in the case may be, separately, and with due regard to the rights and interests of all persons concerned, as well

Interested parties to be heard.

Assess damages.



lands and real estate taken or damaged ; that they certify their said assessment to the common council, by writing, and signed by at least three of their ; that such report shall be accompanied by a map, Report and map to be made. not only the lands and real estate taken for or by the said improvement, and for which they have received damages, but also, any lands and real estate benefited by said improvement, or upon or by reason of which no assessment has been made for either the benefits or the expense of said improvement ; that such report and map may be presented by the common council, at any meeting of which at least two weeks' previous notice shall be given by a clerk in and by an advertisement in a newspaper in the town ; that said notice shall briefly state the subject of the meeting with reference to said assessment ; and that at or any subsequent meeting, the said common council, after considering the said report and map, shall and may adopt and ratify the said report, with or without alterations, so far as to them may seem proper ; that it shall be lawful for the common council to refer the matter to any committee or sub-committee of its own body for further examination, before taking final action upon it ; and that when the report shall be so adopted, whether with or without alteration, as may be decided, the same shall be final and conclusive upon all persons, except only in relation to an assessment for lands, or real estate damaged, as is hereinafter provided ; and that compensation shall be paid to the commissioners of the town for any services so rendered by them, as shall be determined by a resolution of the common council. Council may adopt.

*And be it enacted,* That the common council, in connection with the said report and map, shall have the power, in its discretion, to assess any part (not exceeding the one-fourth) of the said benefits or expense attending or occasioned by the said improvement, upon the town at large, and upon the owner or owners of the said lands and real estate benefited by or upon the line of said improvement as aforesaid. One-fourth of benefits or expense may be assessed upon town at large.

*And be it enacted,* That no notice to the owner or owners of lands and real estate to be taken for, or to be benefited by said improvement, or to be assessed for such benefits, or for the expense of making said improvement, shall be required other than the several notices Notices to owners.



mentioned in the twelfth, fifteenth and sixteenth sections of this act.

Appeals from  
assessment.

19. *And be it enacted*, That any person or persons, himself, herself or themselves to be aggrieved by the assessment of damages for any lands and improvements therefor or damaged by any such improvements, may appeal to the supreme court of this state, at any time within six months after the final adoption of said report by the common council; and that the said supreme court shall then hold a trial by jury to assess such damages anew; and in all such trials shall be conducted as in other cases of damages; *provided*, that the completion of said improvements shall not be delayed thereby, and that the common council may proceed therewith as though said appeal had not been taken.

Proviso.

Treasurer to  
pay or tender  
amount of  
damages as-  
sessed.

20. *And be it enacted*, That before any such appeal shall be carried into effect, it shall be the duty of the treasurer, under the direction of the common council, to tender unto the owner or owners of lands and improvements so taken therefor or damaged thereby, as assessed to him, the amount or amounts of damages so assessed to him, respectively; *provided*, that if such owner do not appear in town, or upon due inquiry cannot be found, then the said treasurer, or is a lunatic or idiot, or is otherwise legally incapacitated to receive such damages, then the treasurer shall make a proper receipt therefor, when tendered, and shall make an affidavit of the fact, and shall file the same with the town clerk; and the common council, after inquiry, direct the amount or amounts of damages to be placed on special deposit, in some suit or suits, for the use of the person or persons to whom the same shall be due; and the same shall be paid to him, or to the person duly authorized to receive the same, without bond, from and after the time when demand may be made; and *provided also*, that if the same be necessary in any case where the benefit of the damages assessed against the said owner or owners shall exceed the amount of damages assessed in favor of the same.

Proviso.

Proviso.

Report to be  
filed with  
clerk.

21. *And be it enacted*, That after said report of assessments shall have been adopted by the common council, whether with or without appeal, said report shall be duly recorded at the town clerk's record of their proceedings, it shall, together

map, be delivered to the town clerk, for preservation in his office; and that said town clerk shall immediately prepare an abstract of said report, including thereon a description of the several parcels of said lands and tenements, with the improvements and owners' names (when the several amounts so assessed against them, and a description of the several parcels of said lands and tenements, specifying the locality thereof, with reference to numbers and cross streets, as far as the same can be distinctly stated; that the said town clerk shall enter the abstract in a book to be kept in his office for that purpose, which shall be called the book of assessments for tenements; and that he shall then give notice for four weeks in some newspaper printed in the town, that said report has been so delivered to him, and requiring the owners of lands and real estate affected thereby to pay the several sums assessed against them to the town clerk, at his office, within sixty days from the time of publication of said notice.

Abstract to be prepared.

Notice to owners to pay.

And be it enacted, That whensoever the owners of any lands in said town, or a majority of them, shall petition the common council to cause such lands to be drained by open ditches, having given at least two weeks' previous notice of such petition by an advertisement in a newspaper published in said town, stating the precise course of such drains, with the beginning and ending points thereof, and the names of the owners of the lands through which such drains or ditches will pass, the said council are hereby authorized and empowered, by ordinance, to cause the said lands to be drained as aforesaid, by and under the direction of any persons named in said ordinance, and to appoint interested freeholders from the town, and who are not named in such ordinance, to act as commissioners, estimating the cost of such drainage, after the same shall be completed, and in assessing the said cost, as well as damages, which in their opinion, any land owner may sustain by reason of said drains or ditches being made on his lands, fairly and equitably, upon the owner or owners of any lands which, in their opinion, may have been affected thereby; and that the report of said commissioners, made by two of them, under their hands, shall be deposited with the town clerk, and be laid by him before the common council, and that the same may be adopted and ratified by

Proceedings in case owners petition to make drains and open ditches.



said common council, either with or without them may seem proper; and that then, and recorded at full length in the record of their shall be delivered to the town clerk for his office; and that said town clerk shall prepare the assessment, and enter the same in a book for that purpose, and shall give notice thereof for paying such assessment, and the treasurer to collect the same in the same manner as he do in the case of an assessment for the laying of a street or highway.

Assessments  
to draw in-  
terest.

23. *And be it enacted*, That if any assessment by virtue of this act, shall not be paid to within sixty days after the first publication mentioned in the twenty-first section of said assessment shall draw interest thereupon, from time, until paid, at the rate of two per centum.

Streets open-  
ed by owners  
for public use,  
to be ordained  
by ordinance.

24. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it proper to ordain by ordinance as aforesaid, that any street which may have been or may be opened by the owners of any land over which the same property has been dedicated to public use by permission, shall use the same for any length of time, and the fronting thereon, shall be deemed and taken to be a street or highway; and that the same shall be made, maintained and treated as such in all respects.

To lay out,  
open, &c.,  
streets and  
roads.

25. *And be it enacted*, That hereafter no street shall be laid out and opened in said town, shall be taken to be a public street or highway, unless it shall be opened under and by an ordinance of the common council, and that it shall be lawful for the common council to ordain by ordinance that any street or highway exceeding fifty feet in width, shall be given to all the lands embraced therein shall be given to the owner or owners thereof for that purpose by the owner or owners thereof.

Proviso.

Commission-  
ers to ascer-  
tain width of  
streets, &c.

26. *And be it enacted*, That it shall be lawful for the common council, from time to time, to appoint three freeholders from the town, to act as commissioners for ascertaining and determining the precise width of any street or streets in said town, and whether the same shall be laid out and opened or not, but which may be used by the public for twenty years or more, as the common council shall see fit, and the streets is, are, or shall be so used at the time.

rdinance; which commissioners, or any two of them, shall at all convenient speed, return to the said common council, in writing, accompanied by a map, showing the location, courses and width of said street or streets; and the report and map, when approved by said common council, shall be filed in the office of the town clerk, as well as recorded in the record of the proceedings of said common council, and shall thereafter be taken to be full and conclusive evidence of the existence of such street or streets as a public highway, and that the same shall thereafter be maintained as such, in all respects.

*And be it enacted,* That the common council shall and lawfully may, from time to time, appoint and remove five commissioners of assessments, who shall constitute and be known by the name of "The Board of Assessments;" that it shall be the duty of the said board to assess damages in favor of any owners of lands or real estate that may be taken or damaged by any such improvement as the laying out, opening of any street, highway or alley, or the construction of any sewer or drain, or the vacating, straightening or widening of any street, highway or alley, or any part thereof; or the altering the grade of any street, highway, or any part or parts thereof, as the case may require, and to assess such damages fairly and equitably upon the owner or owners of any land and real estate on the line of the said street, highway or alley which, in the opinion of the said commissioners, will be benefited by such improvement; and to assess the expense of any such improvement as the construction and opening of any street highway or alley, or the construction of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, or the altering of the grade of any street or highway, or any part or parts thereof, or the grading, graveling, paving, or macadamizing or other improving of any street, highway or alley, or any part thereof, or the widening, straightening, leveling, flagging or reflagging, curbing or recurbing, paving or guttering of any sidewalk and gutter in any street, highway, or any part or parts thereof, as the case may require, and equitably upon the owner or owners of any lands and real estate on the line of the said sewer or drain, or of the said street, highway or alley, or said part or parts thereof; and to assess the expense of any such improvement fairly

Appointment  
and duties of  
board of as-  
sessments.



Proviso.

Proviso.

Failure of  
owners to pay  
assessments,  
actions may  
be brought.

May sell lands  
at auction.

Treasurer to  
make trans-  
cript of un-  
paid assess-  
ments.

Treasurer to  
collect same  
by sale of  
lands.

and equitably upon the owner or owners, whether improved or unimproved; *provided*, of said commissioners, not less than three, to make such assessment; *and provided* commissioner shall act in any case where he is interested in the assessment which is to be made.

28. *And be it enacted*, That if any assessment for improvement, for either benefits or expense, assessed upon the lands and real estate so assessed shall not be paid within the time appointed in said notice of the council of the said town, as they shall deem proper, bringing an action on the case in any court of competent jurisdiction, in the name of "The Mayor and Council of the Town of Boonton," against the owner of such lands and real estate, for so much more than has been expended by them for the use of such owner, the council shall declare generally and give the special matter in dispute, and either party from any judgment rendered shall have the same remedy by appeal or otherwise as if the parties were private individuals; or may order the town treasurer to collect such assessment, by the auction of the lands and real estate whereon such assessment has been imposed or may be a lien.

29. *And be it enacted*, That when the council shall order and direct the treasurer to collect and receive any assessments upon any lands and real estate, and the same not paid, the treasurer shall prepare a transcript of such assessment, including in such transcript a brief description of the improvement or work for which such assessments were made, the names of the owners of the lands, given, of such lands and real estate, the description of the street, highway or alley, on which the lands or real estate fronts, on which side thereof, between what streets it may lie, and the amount of the assessments thereon respectively, and enter the same in a book to be kept for that purpose; and immediately after the making of such transcript, he shall cause a notice to be published in a newspaper printed in said town, stating that a transcript of unpaid assessments has been made, and that said assessments shall be paid to the treasurer within a certain number of days after the first publication of said notice, and the treasurer, will proceed to collect the same according to law.

*And be it enacted,* That after the expiration of the said Assessments, how collected, years, it shall be the duty of the said treasurer to collect assessments in any such transcript then remaining by public sale at auction of the lands and real estate said assessments have been imposed or may be a public notice of the time and place of the sale of lands and real estate, under the provisions of this act, given by advertisement, signed by the treasurer, and in a newspaper printed in said town, for the space of weeks, at least once in each week before the time of such sale.

*And be it enacted,* That if any such assessment remain the day specified in such notice, the treasurer shall sell by public auction, at the time and place appointed herein, the lands and real estate on which such assessment shall have been imposed, or may be a lien, for the term of years, but in no case exceeding twenty years, and any person will take the same and pay the amount of assessment, with the interest, and all costs, fees, and expenses; such payment shall be made the day of the sale; and if not so made, the treasurer may sell the property, or the town may have its action against the treasurer for the payment of interest, at the rate of five per centum per annum.

*And be it enacted,* That the owner, mortgagee, occupier, or any person or persons having a legal or equitable interest in any lands or real estate sold as aforesaid, for any term of years, may redeem the same under the provisions of this act, at any time within three years from the time of such sale, by paying to the treasurer, for the use of the purchaser, the amount of the purchase money; upon the receipt of the purchase money by the treasurer, he shall cause the same to be paid to the purchaser, his heirs or assigns; and all claims in relation to said sale shall cease and determine.

*And be it enacted,* That whenever any street, or part of a street, in the said town, occupied or used by the track of a railroad company, shall require it to be altered or widened for the convenience of public travel, and proceedings for altering or widening the same shall have been taken under the provisions of this act, it shall be lawful for the common council, and whose duty it shall be to make a just and equitable assessment of the

Lands to be sold for non-payment, &c.

Owner, mortgagee, &c. may redeem.

Altering or widening any street used by railroad, expense to be assessed on company.



Assessments  
to remain a  
lien.

Licensing of  
inns and taverns  
and beer  
saloons.

Fees.

Penalty for  
violation of  
this section.

Licensing of  
billiard or  
bowling sa-  
loons.

whole amount of the cost, damages and exp-  
tering or widening, among the owners of a  
real estate to be benefited thereby, to assess  
said costs, damages and expenses upon the  
company owning or using said railroad track  
seem equitable and just; and such assessments  
upon any property of said corporation or company  
of Boonton, and may also be enforced in the  
the assessments upon such owners of lands at-  
tended to be benefited thereby.

34. *And be it enacted*, That every applic-  
to keep an inn or tavern, or to sell ale, beer,  
wine, or other spirituous, vinous or malt liquors,  
to the common council, by the petition of three  
persons applying for such license, stating the place  
where to be sold; and that the petition shall be  
least six respectable citizens and freeholders of  
have not signed any other petition for such license  
town; and that if any person or persons shall  
a license to keep an inn or tavern within the town,  
town, the fee to be paid for such license shall not  
and they shall be subject to the provisions of  
"An Act concerning inns and taverns;" that no  
out a license first had and obtained for such  
allowed to sell ale, beer, porter, cider or wine,  
uous, vinous or malt liquors, within the limits  
of Boonton, and that the fee for such license shall  
than twenty, nor more than fifty dollars, as the com-  
cil may direct; and such license shall be subject to  
and conditions as said common council may determine.  
shall not be delivered until the license fee is paid  
paid to the town clerk; and for every violation of  
each person guilty of such violation shall be liable  
dollars, which may be sued for and recovered by  
an action of debt, before any police justice of  
the peace residing in said town or township.  
it shall be the duty of the clerk of said town to  
the same in the name of "The Mayor and Town  
of the Town of Boonton."

35. *And be it enacted*, That if any person  
shall hereafter keep a public billiard or bowling  
the said town shall pay a license fee of not

fty dollars, to be paid and collected in the same provided in section thirty-four of this act.

*be it enacted*, That all parts of the act to which <sup>Repealer.</sup> supplement inconsistent with the provisions of this the same are hereby repealed, and that this act named a public act, and shall take effect immedi-

March 26, 1872.

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## CHAPTER CCCXLV.

remove doubts as to the validity of a deed executed by Robert Hayes, assignee.

the Paterson Steam Fire Engine and Machine <sup>Preamble.</sup>  
 , on August nineteenth, anno domini eighteen and seventy, made an assignment to Robert Hayes benefit of their creditors, at which time the legal certain lands in which said company claimed an interest, was vested in Richard Harrell, John A. and David Stoddard, who, together with their re-wives, by deed dated November thirteenth, anno ghteen hundred and seventy, and recorded in Pas-ty clerk's office on December fifth, anno domini hundred and seventy, in book A four, page eighty-veyed the same to said Robert Hayes, assignee as who, by deed dated December first, anno domini hundred and seventy, and recorded December no domini eighteen hundred and seventy, in Pas-ty clerk's office, in book A four, page one hun-fifty-eight, conveyed the same to the Watson uring Company, to whom he had sold the same e sale, and who have paid the consideration there-entered upon and built upon the premises so con-d it is desired that all doubts respecting the va-said assignment and conveyances should be re-heretofore,

Assignment  
and deed de-  
clared valid.

1. BE IT ENACTED *by the Senate and Ge*  
*the State of New Jersey*, That the said as  
deeds of conveyance are hereby declared v  
deemed and taken in all courts to be oper  
the terms thereof, to convey unto the r  
mentioned in them, respectively, for the  
therein mentioned, all the estate, title and  
tors mentioned in the said several deeds  
therein described at the dates of the said  
and to vest in the said "The Watson Ma  
pany," their successors and assigns, the leg  
several grantors, according to the form an  
said deeds.

2. *And be it enacted*, That this act shal  
diately, and shall be deemed a public act.

Approved March 26, 1872.

## CHAPTER CCCXLVI

An Act to authorize the Freeholders of  
build a bridge over Oyster C

Freeholders  
empowered to  
construct  
bridge.

1. BE IT ENACTED *by the Senate and G*  
*the State of New Jersey*, That the board of  
of the county of Atlantic are hereby empo  
a bridge across Oyster creek, where the ne  
Point to Great Bay crosses the same.

2. *And be it enacted*, That this shall be c  
act, and take effect immediately.

Approved March 26, 1872.



## CHAPTER CCCXLVII.

for the relief of John Helderbrant and Samuel Dunn, of the county of Hunterdon.

IT ENACTED *by the Senate and General Assembly of the New Jersey*, That the treasurer of this state be, and <sup>Pension.</sup> be authorized and required to pay to John Helderbrant and Samuel Dunn, of the county of Hunterdon, or to their heirs, soldiers in the war of eighteen hundred and nineteen, to their orders, the sum of one hundred dollars each, during the term of their natural lives, in equal yearly payments of twenty-five dollars each; the first payment to be made on the first day of May, eighteen hundred and seventy-two.

And be it enacted, That this act shall take effect immediately.

March 26, 1872.

## CHAPTER CCCXLVIII.

Amendment to the act entitled "An Act to reorganize the government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Chicago relief bonds here-  
 issued by the officers of Jersey City, to the amount of <sup>Bonds issued for relief of Chicago legalized.</sup> five thousand dollars, donated to the city of Chicago, be the same are hereby legalized and made to all intents and purposes as binding upon and valid against the mayor and common council of Jersey City, as if the same had been issued

under authority granted by and in accordance to which this is a supplement.

Action of  
board of alder-  
men and  
finance con-  
firmed.

2. *And be it enacted*, That the action of the board of aldermen and the board of finance and taxation for the expenditures and expenses incurred for the ninety-fifth anniversary of our nation be and the same is hereby ratified and confirmed, and the mayor of said city is hereby directed to issue a warrant for the payment of said claims as they shall be to be paid by the board of finance and taxation on the twenty-eighth day of July, anno domini one thousand eight hundred and seventy-one.

Repealer.

3. *And be it enacted*, That all acts and ordinances inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCXLIX.

A Supplement to the act entitled "An Act to amend the charter of the town of Lambertville."

Corporate  
title.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town of Lambertville shall be hereafter known and designated as the City of Lambertville.

First ward.

2. *And be it enacted*, That the said city shall be and hereby is divided into three wards. The first ward shall consist of all that part of the city lying south of a line through the middle of Main street and west of a line through the middle of Main road;

Second ward.

The second ward shall consist of all that part of the said city lying north of a line through the middle of Main street, and west of a line through the middle of Main road;

Third ward.

The third ward shall consist of the said city lying east of a line passing through the middle of Main street or river road.

*be it enacted*, That the common council of said city consist of three members in and for each of the said said city; and that the board of trustees of public said city shall consist of nine trustees, three of which shall be elected in and from each ward; *provided*, that those heretofore elected and living in either ward shall hold their respective offices in such ward for the unexpired term which they may have been respectively elected; and at the first election of trustees under this act, the said trustees in each ward shall determine by lot, to hold office for one, two or three years respectively; the term of one trustee in each ward shall expire annually hereafter; and in each succeeding city election there shall be elected one trustee in each ward, unless there should be vacancies arising otherwise than from the expiration of term, when such vacancies can also be filled for any unexpired term; *and further provided*, that after the first election of members of the common council under this act, the newly elected members in each ward shall determine to hold office for one, two, or three years, respectively; so that the term of one member of the common council in each ward shall expire annually thereafter; and in each succeeding city election there shall be elected one member of the common council in each ward, unless there should be vacancies arising from other causes than from the expiration of term, when such vacancies can be filled for any unexpired term.

Common council and school trustees, number and term of office.

Proviso.

Proviso.

*be it enacted*, That an election by ballot shall be held annually on the second Monday in April, in each of the wards of the said city, between the hours now designated by the city clerk for holding the town elections of said town, at such places as the common council shall appoint; of which places and times to be voted for, the city clerk shall give such notice as is heretofore required by law, at which election there shall be elected in and for said city, one mayor, one superintendent of public schools, one city clerk, one constable, one assessor of the poor, and two surveyors of highways, who shall hold their offices respectively for the term of one year; and for each of the wards of said city, three members of the common council, one assessor, one chosen freeholder, one inspector of elections, two inspectors of elections, and one clerk, who shall hold their offices respectively for the term of one year, and such number of members of common

Annual election

City and ward officers.



- council and trustees of public schools, and for the purposes hereinbefore expressed; *provided*, that in the election of inspectors of election, no ballot shall contain more than one person to be voted for as an elector; and in case any ballot voted shall contain the name of more than one person voted for said ballot shall be rejected; and there shall also be elected in each ward such number of justices of the peace as shall be entitled to under the laws of this state to hold the justices of the peace heretofore elected to their respective offices until the end of the term of their term may have been elected; and that each ward shall contain at least two justices of the peace.
- Proviso.** 5. *And be it enacted*, That at the first election after the passage of this act, the present inspectors of election shall be the judge and inspectors of election for the third ward; and the legal voters of the second wards present at the hour of the opening of the polls shall elect by *viva voce* a judge and inspectors of election for said wards respectively; and each election shall have the power to appoint the ward clerk for such ward; no person shall be eligible to any office in a ward unless he shall then be an elector and reside in such ward; and when any officer elected at any such election to reside in such ward, his office shall thereby be vacated; and if at the time of opening the polls at any election there should be a vacancy in the board of election, the board present may immediately fill such vacancy by ballot; and all the officers of each election shall take the oath of office provided by law.
- Election officers.** 6. *And be it enacted*, That immediately after the polls at every city election the board of election shall count the votes cast for the several candidates, and a certificate thereof under their hands; and on the next day after such election, the judge of election shall deliver the same to the city clerk; the city clerk shall constitute a board of canvassers of said election, who shall meet at the city clerk's office at two o'clock on the next day of said day, and shall proceed to make a canvass of the result of said election as shown by said certificate; and the result shall be signed by said board or such of them as shall be present and attested by the city clerk, who shall be one of said board, and the person having the greatest number of votes.
- Vacancies, how filled.**
- Certificate of election to be made.**
- Board of canvassers.**

be declared elected to the office for which they been voted for respectively; and the city clerk the original certificates from the wards in his office, and clerk shall immediately send a notice of such each of the persons so elected.

*be it enacted*, That all elections hereafter to be <sup>Elections, where held and how conducted.</sup> held in said city for any officer or member of the state or government shall be held in the several wards of the city at the places therein appointed by the common council, holding the city elections at the time designated by the common council, and the judges and inspectors of the several wards shall conduct all such elections, and the clerks of the several wards, shall be clerks of such elections in their respective wards; every person in said city entitled to vote at such election, shall vote in the ward wherein he actually resides at the time of such election and not elsewhere; and such elections shall be conducted according to the laws of the state relating to elections; and that the said judges and inspectors of elections and ward clerks shall take the same oath as the judges and inspectors of elections, and shall conduct such elections and make returns thereof, in the same manner as township officers of elections, and shall be required by law to do; and shall be invested with the same power and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed to; and any vacancies in the said boards, or either of them, shall be supplied in the same manner as provided by law for the townships of this state.

*be it enacted*, That the common council, by <sup>a City treasurer.</sup> the action of a majority of its members, shall have power to elect annually a city treasurer, and fix his compensation.

*be it enacted*, That the office of collector of taxes <sup>Receiver of taxes, and duties.</sup> be abolished, and instead thereof, the common council shall elect annually (and oftener if necessary to fill a vacancy) a receiver of taxes, who shall have all the powers and perform all the duties of collector of taxes, and shall be authorized to issue tax warrants against delinquent taxpayers, the same as now provided by law for the collector of taxes, and all duplicate copies shall be returned to him from the collector.

*be it enacted*, That the common council elected <sup>President.</sup> shall elect a president, who shall preside at all meetings of the council, and shall be ex-officio president of the city.

Mayor to approve ordinances.

under this act, and each succeeding common council shall elect one of their number president, who shall be the acting officer of the common council, and shall see that all ordinances passed by the said common council shall be given to the mayor, and if the mayor disapprove of any such ordinance, he shall return the same to the common council within five days after receiving the same, or if he shall not return the same, it shall become a law of the common council. If the same shall have been returned to the common council with the objections of the mayor, the same shall become a law if again passed by a majority of the number of common councilmen voting thereon.

Repealer.

11. *And be it enacted*, That so much of the act of the common council of the city of Newark, passed March eleventh, eighteen hundred and eighty-two, as is inconsistent with this act, is hereby repealed.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCL.

A Further Supplement to the act entitled 'An act to amend the charter of the city of Newark,' passed March eleventh, eighteen hundred and eighty-two.

Costs and expenses for constructing public sewers to be assessed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the common council of the city of Newark shall have ascertained the costs and expenses for the construction of a sewer, of an interior diameter not exceeding of a circle of thirty-six (36) inches, or of an exterior diameter not exceeding of a circle of thirty-six (36) inches, together with the necessary appurtenances, they shall cause a just and equitable assessment for the same to be made by their city surveyor, as hereinafter prescribed, to be so specified in the ordinance.

2. *And be it enacted*, That the cost of the



oles, with any other portion of the cost of any such Cost of receiving basins, &c. to be paid by city of Newark, residue to be assessed on owners.  
 he common council may direct or sanction, shall be  
 upon and be paid by the city of Newark ; the residue  
 ts and expenses of any such sewer shall be assessed

owners of the lands and real estate on the street or  
 a street in front of which such sewer shall have been  
 ed ; *provided*, that any corner lot, having its longer Proviso.  
 xceeding one hundred (100) feet on the line of the  
 shown by the property maps in the office of the tax  
 ners, shall only be assessed on twenty-five (25) lineal  
 such additional sum as may be deemed just, by rea-  
 re easy access to the sewer from the side of such  
 ed also, that if such sewer be built aside from the Proviso.  
 e of the street, there shall be made a difference in  
 ment upon the two sides of the street equal to the  
 difference in the cost of tapping the sewer.

*It be it enacted*, That the city surveyor shall make an Surveyor to make assessment roll and map, &c.  
 t roll, with a map, showing the property assessed,  
 submit the same, certified, to the committee on  
 d drainage of the common council, and if approved  
 or a majority of them, they shall sign and report  
 to the common council ; and when such assessment  
 e been ratified, it shall be collected in the usual

*It be it enacted*, That it shall be lawful for the said Council may order an assessment.  
 ouncil to order an assessment, as above prescribed,  
 ewer of the kind specified, which they may not  
 ave ordered an assessment for, although the ordi-  
 y have otherwise specified.

*It be it enacted*, That all acts and parts of acts incon- Repealer.  
 th this act are hereby repealed, and that this act  
 effect immediately.

ed March 26, 1872.

## CHAPTER CCCLI.

A Supplement to the act entitled "An Act to amend an act to incorporate the township in the county of Union, to be called the township of Cranford," approved March fourteen, one thousand eight hundred and seventy-one.

Register.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acts of the legislature of this state, authorizing any commissioners or surveyors of the highways in the county of Union to vacate, widen or alter highways in the township of Cranford in said county of Union, and all other acts inconsistent with the provisions of this act are hereby repealed.

Commissioners of highways created.

2. *And be it enacted*, That a board of commissioners of highways in the said township of Cranford shall be created to consist of five persons, freeholders and residents of the said township, for the purpose of laying out, vacating and repairing public roads in the said township of Cranford, and moving and causing to be removed from the said township, all buildings, obstructions and other impediments thereupon, and no person shall be eligible to hold the office of commissioner while he holds any other office.

Election of same.

3. *And be it enacted*, That the first board of commissioners of highways shall be elected by the legal voters of the said township at the next annual town meeting in the said township in the same manner in which the other officers of the township are elected; four of the said commissioners shall be elected from four of the road districts in said township, and one of the said commissioners shall be elected from the large, from any road district therein, as the board shall determine.

Term of office.

their office for the term of two years; and at the next annual town meeting of said board shall be elected in the same manner at the next town meeting in said township every second year.

Vacancy. How filled.

and when a vacancy occurs by reason of the death of a commissioner, or his becoming a non resident.

committee are hereby authorized to fill the vacancy by appointment of a commissioner from the road district in which the vacancy occurs, who shall hold said office until he is elected in his place at the next succeeding annual meeting to fill such vacancy.

*And be it enacted,* That each of the said commissioners shall, within ten days after his election, and before entering upon the duties of his office, subscribe and file in the office of the clerk of the county of Union, an oath or affirmation to act justly and impartially in the performance of his duties as a commissioner to the best of his ability and understanding, and the acts of a majority of said commissioners shall be taken to be the acts of the said board; and the clerk of said board shall be provided by the township committee of said township, at the township expense, with a book, in which shall, from time to time, be recorded the minutes of their proceedings, and the names of the members present at each meeting, and a majority of the members of the board shall be a quorum for the transaction of business, and each member of the board shall receive three dollars for each day's service during the term of the board, to be paid by the township committee of said township, upon a certificate of the correctness of the same signed by the president and two other members of the board.

Commissioners to take oath.

Compensation

*And be it enacted,* That the said board are hereby authorized and invested with all the rights and powers necessary and convenient to survey, lay out, locate, alter, widen, open and vacate all such public roads in said township as to them shall seem necessary and proper for the convenience of public travel; which roads shall be of such width as not exceeding eighty feet, as to them shall seem best; and they are also invested with full power and authority to order and cause to be removed all buildings and other obstructions now and hereafter being in and upon any public road in said township, and to remove all encroachments thereupon, wherever they exist.

Authorized to survey, lay out, locate, alter, &c public roads.

Remove buildings.

*And be it enacted,* That the said commissioners and their clerks and persons in their employ shall have full power at any time to enter in and upon all lands and premises for any purposes authorized or contemplated by this act; and to take all lands and real estate deemed necessary by the said commissioners, for the laying out, locating, altering,

May enter on lands.



May take  
hands.

### Proceedings when free-holders make application for laying out or altering road.

Map to be made.

widening, or straightening of any such road, or any other structures necessary to be removed, and any compensation upon any public road may be taken therefor, and compensation therefor as damages to the owner thereof, shall be allowed and benefits assessed by the said board of assessors to the persons respectively who, in the opinion of the said board, are benefited thereby, and against the persons who are benefited thereby, and against the town of Cranford, for such portion thereof as said board shall deem right and proper.

7. *And be it enacted*, That when twelve or more freeholders and residents in said township shall think a public road necessary, or any part thereof hath been or shall be laid out unnecessary, or a portion in such road necessary, in any part of said township, it shall be lawful for the said persons to make and sign a written application, to the said board of commissioners of the township of Cranford, by serving the same on the members of said board, at least six days before their meeting to consider the intended application, to give previous notice for at least ten days of the application, and of the day and place in said township and where such application is intended to be made, and advertisements under their hands, and set up in the most public places in the said township; and the duty of the said commissioners to attend and consider the said application, on due proof being made to them that the said advertisements have been published to law, and that a copy of such written application has been served upon the commissioners as aforesaid, shall be in the judgment of the said commissioners shall be conclusive; and the said commissioners shall visit and view the same, and if they think it necessary, lay out, vary or straighten the said public road and lay the same out as they appear to them to be most for the public use, and shall cause the road so laid out or altered to be marked at proper distances in the line of the same, and cause a map thereof with a map or draught of the same, with the distances and reference to the most recent maps and the buildings and improvements through the same, pass, with the time when the overseers of the township shall open the same for public use, which return shall be signed by the commissioners, or a majority of them, shall date, sign and

it to the clerk of the court of common pleas of the Union, who is hereby required to record the said together with the said map or draught in the book recording returns of public roads in said county; any road so laid out, or altered, and recorded as afore- Road laid out to be a public highway.  
 shall be a lawful public highway from the time appointed for the opening of the same; and if any road be by said commissioners, their return thereof shall be signed, dated, delivered or transmitted and recorded; and the clerk of said county shall be allowed for filing and recording such return, and one copy of the same, when required of him, and the return and map shall be delivered or transmitted to said clerk within fifteen days after the date thereof; and that in case of neglect or refusal to deliver or transmit the said clerk within the time aforesaid, the said return shall be void; and the said commissioners shall, in the performance of their said duties have power to adjourn from time to time; *provided, however*, that their said return shall be signed, dated, and signed within thirty days after the next meeting of the commissioners specified in the said application.

Return and map filed with clerk.

Proviso.

*And be it enacted*, That whenever any public road or highway shall be laid out or altered by the said commissioners or a majority of them, the said commissioners or a majority of them shall immediately after laying out or altering the same make an assessment of the damages the owners and occupants of any land, buildings, improvements, or real estate which may be taken or removed for that purpose will sustain by laying out or altering said public road or highway, or by removing said buildings and improvements therefrom, and by such damages shall be so assessed, the said commissioners or a majority of them, shall at the same time and place, or at any other place, assess the said damages as may be, upon the owner or owners of any land or real estate in the said township, which in their opinion are benefited thereby, as nearly as may be in proportion to the benefits which the said land or real estate of each of the owners shall be deemed by them to have derived from the laying out or altering of the said road, and opening the same for public use, or by removing buildings from a road, or by the said commissioners or a majority of them, are that the laying out or altering any such road, and

Commissioners to make assessment of damages, &c.

General benefits to be assessed upon township.

opening the same to public use, or the removal from a public road is a general benefit to the said township at large the said commissioners, majority of them, shall have power to assess the township in its corporate capacity, such part of the damages awarded by them, as they shall deem just, the remaining part of said damages to be hereinbefore provided; and in that case the said township shall be bound to pay the same assessed against the township at the same time as the owners who may also have been assessed to the township. The inhabitants of said township are hereby authorized and required at their annual town meetings to vote the moneys so assessed upon said township.

Copy of return and assessment to be served on clerk.

9. *And be it enacted,* That a copy of the assessment of said commissioners, certified by the clerk of the said county, shall within fifteen days after the same has been filed in his office, be served upon the clerk of the said township, to be kept by him with the other records of the township, and an entry of the amount of the damages contained in the said return, with the names of the persons to and against whom the same are made, shall be made by the said township clerk in the book of records of the township, and proceedings of the town meetings of said township. The said township clerk shall within fifteen days after receipt by him of said certified copy of said assessment of said commissioners, give notice in writing to the owners of the said owners of land or real estate upon which the same shall have been assessed for benefits or damages, stating the amount so assessed, and the names of the owners who do not reside in said township, the clerk shall mail such notice to him or her, if he is informed of his place of residence, and shall also give the same to the township committee, when an assessment is made against the township.

Record to be kept.

Notice to owners.

Damages, how assessed and collected.

10. *And be it enacted,* That the township clerk of the said township shall thereupon cause the damages to be assessed against and collected from the persons, and from the inhabitants of said township, to whom the same have been assessed, at the same manner as the ordinary township taxes are assessed and shall pay the same when collected to the persons to whom said damages have been awarded.



to receive them; and the assessor of said township for such assessments in his duplicates of assessment, same shall also appear as a special assessment on the annual taxes made out by the township collector, and percent of said assessments as a special tax shall be levied and enforced by the same persons and in the same manner and under the same penalties of non-payment or delinquency as the ordinary taxes in said township are

and be it enacted, That when the said commissioners by a majority of them, shall determine that any building or structure on any road heretofore used as a public road may, or in any road hereafter laid out, shall be removed therefrom, it shall be lawful for said commissioners by a majority of them, to notify the owners and lessees in writing that they are required to remove the same from said public road, and to meet the said commissioners at a certain time and place as is specified in said notice, to agree with said commissioners upon the amount of damages, if any, which said owners and lessees shall be entitled to for the removal of said buildings and structures from the said public road. If such notice shall be served upon the said owners and lessees at least five days before the time of the meeting of said commissioners specified in said notice; and if the said owners, or a majority of them, shall not be able to agree with said owners and lessees upon the amount of such damages, then the said commissioners shall proceed and award such damages therefor as they shall deem the said owners and lessees entitled to receive for removing the said buildings and structures; and shall also assess the said damages as equitably as may be, upon the owner or owners of the land and or real estate in the neighborhood of said road in which said buildings and structures are located, which, in addition to the benefits which the said lands and real estate shall be deemed by them to be derived from the removal of said buildings and structures from the said road; and if the said commissioners at the time of making such assessment of damages, shall be of opinion that the removal of such buildings and structures from the said road is a general benefit to the township at large, they shall have power to assess upon said township a certain part of the damages awarded by them as they deem

Owners to remove buildings from public roads laid out.

Owners to meet commissioners.

Commissioners to award and assess damages.

Owners liable  
for assess-  
ment.

Proviso.

Commission-  
ers to serve  
notice on own-  
ers to remove  
buildings.

Buildings to  
be sold if not  
removed.

equitable and just, and the remaining part of  
to be assessed as hereinbefore provided; and  
commissioners shall certify the same in writing  
and shall cause the said certificate to be filed  
of said township, in the office of the township  
record the same in the township book of reco  
tioned, within five days after he receives the  
owners of said lands against whom such d  
assessed, shall be liable to pay the same, an  
committee of said township shall cause the s  
be assessed and collected in the same manner  
hereinbefore to be assessed and collected,  
land is taken by said commissioners in layi  
road; and the said township clerk shall giv  
of said lands so assessed, the like notice of  
against them which he is hereinbefore requ  
case of damages assessed for taking lands f  
road in said township; *provided also*, that n  
be awarded to any land owner for his or her  
buildings removed by virtue of this act, w  
signed a petition or application to said comm  
out said road or remove buildings and structur

12. *And be it enacted*, That within fifteen  
said commissioners shall have signed their retu  
of assessment of damages and benefits for  
any building or structure from any public r  
cause to be served upon the owners and lessee  
ings or structures, a notice in writing to r  
buildings and structures from the said road w  
not exceeding ninety days from the time  
notice, as the commissioners shall decide, a  
are not removed within the said number of d  
the duty of the said commissioners to adv  
buildings and structures for sale at public  
days' notice of such sale, by advertisements a  
the most public places in the township, an  
same on such terms and conditions of sale  
moval thereof from the road in which the  
commissioners deem proper, and may adjou  
they think proper, and if the purchasers ther  
or fail to remove the same within the time r  
terms and conditions, the said commission  
authorized and empowered to remove and

any manner and at any time they deem proper, and persons so refusing or failing to remove the said buildings and structures as before provided and required, shall be liable to the inhabitants of said township in their corporate capacity all the costs and expenses incurred by the said commissioners in removing and disposing of the same, and ten dollars per day for every day they shall refuse or fail to remove said buildings and structures, to be recovered in any court having jurisdiction of the amount, in an action of debt for such money paid by the said inhabitants of said township and for the use of the persons so refusing or failing to remove said buildings and structures with costs of suit.

*And be it enacted,* That when any road has heretofore been laid out or may hereafter be laid out by the land owners and is properly graded and opened to public use, the commissioners may accept the same as public roads, and the owners of the land in such roads shall dedicate the same to public use as public roads, in writing, in a manner satisfactory to said commissioners, and without compensation made to them for said lands and the buildings and structures in said roads; and said commissioners shall also remove from said roads all buildings and structures that may be therein; and when so accepted by the said commissioners, they shall sign and file a certificate of such acceptance in the hands of the said township clerk, who shall immediately record the same at length in the said township book of records or proceedings of the town meetings of said township; and when the said certificate is so recorded, the said road shall be a public road to all intents and purposes, as if the same had been laid out and opened as a public road in any manner authorized by law.

*And be it enacted,* That if any owner or owners of land or real estate shall be dissatisfied with any assessment before mentioned, whether for damages or benefits assessed to or against him, her or them, such owner or owners any time within thirty days after filing the return of said commissioners with the clerk of said county, in case such assessment appears in said return, and at any time within thirty days after filing the certificate of assessment of said commissioners with the township clerk in case such assessment appears in said certificate, may appeal therefrom by filing a written appeal with the clerk of said county, when the assessment appealed from is contained in the return of said com-

Commissioners to accept roads laid out or to be laid out by owners

Proceedings in case owners appeal or are dissatisfied with assessment.



commissioners filed in the office of said county clerk a written appeal with the clerk of the township, from which the assessment appealed from is contained, and the clerk of assessment of said commissioners filed in the clerk's office, and the party so appealing is hereby authorized to choose three persons, freeholders and residents of said township, who shall not be within any degree of kinship with the party so appealing, and the members of the township committee of said township, or a majority of them, shall choose three other persons, freeholders and residents of said township, and the six persons so mutually chosen shall choose one other person, being a resident of said township, and the whole number so chosen shall constitute a board of appeal, authorized and empowered to review the assessment appealed from, and increase, lessen or confirm the same, or in part as to them shall seem fit and just, and they shall enter upon the performance of their duties, and shall take and subscribe an oath or affirmation, administered by a person authorized by law to administer oaths, to act fairly, justly and impartially in the discharge of their duties to them, according to the best of their skill and judgment; and the party so appealing shall file with the clerk, within five days after filing his said written certificate of the names of the persons so chosen by him, and the members of said township committee, three of them, shall within five days after the filing of the notice of the filing of the said certificate of the party so appealing, file with the said township clerk a certificate of the names of the persons so chosen by him, and the persons so mutually chosen, or a majority of them, shall thereupon choose one person, a freeholder and resident in said township, and make a certificate signed by them of such choice, which certificate shall be filed with said township clerk, and the party so appealing shall cause at least six days' notice of the time and place of the meeting of said board of appeal to be given to the members thereof; and they shall have power to adjourn from time to time, and to take oaths and affirmations upon oath or affirmation, which oaths and affirmations either of the members of said board is hereby authorized to administer, and their report, or a report of a majority of the board, under their hands and filed in the office of the

ship, shall be final and conclusive upon all parties ;  
 ers of said board shall be paid for their services by <sup>Compensation</sup>  
 appealing in all cases in which the award of damages  
 mmissioners is not increased or the assessments of  
 not lessened by the said board of appeal, at the rate  
 llars to each for every day in which the said board  
 l in the performance of their duties ; and in all cases  
 the award of damages by the said commissioners is  
 or the assessments of benefits is lessened by the  
 appeal, the said compensation to the board of appeal  
 services shall be paid by the said township commit-  
 the increased amount of damages awarded to the  
 ealing, by the said board of appeal, together with  
 at of compensation to be paid to the board of appeal  
 services, shall be assessed by said board as equitably  
 upon the owner or owners of any land or real estate  
 township, which, in their opinion will be benefited  
 as nearly as may be in proportion to the benefits  
 e said land or real estate of each of said owners  
 deemed by them to have derived from the laying  
 ltering of the said road, or of removing there-  
 buildings and structures in said road, and the  
 d of appeal may also assess upon the said town-  
 s corporate capacity such portion of said increased  
 and expenses of the board, as in their opinion is  
 by the common interest of the inhabitants of  
 ship, in laying out and opening said road, or in re-  
 om the road the buildings and structures therein ;  
 ncreased damages and expenses of said board, when  
 d by said board, shall be assessed and collected in  
 manner, and by the same township officers, as the  
 ts of the commissioners of highways hereinbefore  
 d are assessed and collected.

*and be it enacted*, That this act shall take effect imme-

red March 26, 1872.

## CHAPTER CCCLII.

An Act to regulate the sale of malt liquors and cider, in the village of Passaic, New Jersey.

No person to  
sell liquors  
without  
license.

Election of  
commission-  
ers.

Power to  
grant or re-  
fuse licenses.

Notice of  
meeting to be  
given.

Vacancies,  
how filled.

License fee.

Penalty for  
selling with-  
out license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person in the village of Passaic, county of Passaic, to sell any malt liquors, including ale and lager beer, and cider, to be drank on the premises or in any place within than one quart without first procuring a license.

2. *And be it enacted*, That at the annual meeting after the passage of this act three commissioners shall be chosen by ballot in the same manner as other officers of the village of Passaic, one of them to be selected from each of the three election districts, who shall be to hear applicants for license and grant or refuse the same as they may deem proper, such commissioners shall hold office for one year, and a majority of them shall have power to grant or refuse license; the first meeting of such commissioners shall be in not less than one week after the annual meeting nor more than two weeks after public notice of the same shall be given by posting notices in at least three conspicuous places in said village, and one of said notices shall be at the council room of said village; in case of the death of any of the board of commissioners then the council of the village shall appoint to fill such vacancy or vacancies, and the commissioners shall meet at the council room at least once a month or oftener, as they may deem proper, and at the time and place appointed as above, at which time and place applications shall be made in writing for license; each person applying for license from said commissioners, shall pay to them the sum of ten dollars to them for said license, which shall entitle him to sell ale, lager beer, wine and cider, as above provided, for a term of one year, but not spirituous liquors; and if any person shall sell in the village of Passaic any such beverages in violation of this act, then such person shall be subject to a fine of ten dollars for the first offense and twenty dollars for each subsequent offense.



covered in an action of debt before any justice of  
 in said village by any resident of said village,  
 e of non-payment of said penalty such person so  
 shall at the discretion of the court be imprisoned  
 aid; the fines when recovered shall be paid over to  
 rer of the village, no person shall serve as com- No person to  
 serve who is  
 interested.  
 who shall be interested in the sale of these bever-  
 it is not the intention of this law to interfere with  
 ing of hotel license by the courts as heretofore  
 y them; in case there shall be complaints against Commission-  
 ers may hear  
 complaints  
 and revoke  
 licenses.  
 have received license as above stated, for keeping  
 houses the commissioners shall then hear evidence  
 roof sufficient to them they may revoke such  
 l be it enacted, That this act shall be a public act,  
 take effect immediately.  
 ed March 26, 1872.

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## CHAPTER CCCLIII.

ment to "An Act for the preservation of sheep,"  
 ed March twenty-fourth, eighteen hundred and  
 o.

IT ENACTED *by the Senate and General Assembly of*  
*of New Jersey*, That the provisions of the supplement Act extended.  
 Act for the preservation of sheep," which said sup-  
 as approved March twenty-fourth, eighteen hundred  
 two, are hereby extended to the several townships  
 s in the county of Warren.  
 l be it enacted, That this act shall take effect imme-  
 ed March 26, 1872.

## CHAPTER CCCLIV.

An Act providing for the election of Judges of the township of Ewing, in the county of Mercer.

Election of  
Judges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the ensuing election in the township of Ewing, in the county of Mercer, annually thereafter, three persons shall be elected judges of election in said township, for the term of one year, to perform the duties, and be subject to the same as other judges of election, according to the laws of the state of New Jersey as they now are in force; and said judges so elected, shall act as judges at all elections to be hereafter held in said township, and shall receive the same compensation therefor as is now received by persons now by law performing said service; and the election of judges of election in said township shall be held on the first Tuesday next after the first of January, and shall contain the names of more than two persons, and if more than two such judges, and in case more than two names shall be voted for in the same ballot, the said ballot shall be void as to said names, and the three persons receiving the highest number of votes at such election shall be taken to be judges of election for said township; and in case two persons on the same ballot shall receive an equal number of votes, the one first named shall be taken to be one of the judges.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act shall be, and the same are hereby, repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLV.

ther Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-th, eighteen hundred and fifty-five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That in all cases where any two or more lots of land situate in said city of Hoboken, owned by more individuals, have been or hereafter may be, by error or otherwise, assessed for the costs and expense of improvement or taxes as if such lots constituted one lot, it shall be lawful for the mayor and council of the city of Hoboken, by resolution, to make a fair, just and equitable apportionment of said assessments or taxes among such lots, which have been or may be assessed as one lot, and to declare how much of such assessments or taxes should be assessed upon each of such lots respectively, and in which said mayor and council shall so declare should be assessed upon each of said lots, shall be and remain a lien on such lots respectively, until the same is paid in full as if no such error had been made in such original assessment; and thereupon any of such lots may be relieved of such lien, or in case the same have been sold for non-payment of said assessments or taxes, may be redeemed at the time allowed by law by payment of the sum so assessed to be a lien thereon, together with the interest, and expenses, which may have accrued thereon; *provided* that the right of the owner or owners of said lands to appeal to the courts from the award of the said mayor and council, shall not in anywise be altered or abridged.

And be it enacted, That before proceeding to divide and apportion any such assessments or taxes as mentioned in the preceding section of this act, the several owners of such lots shall be notified in writing of the time and place and where the council or some appropriate committee of the city will meet to consider the matter of making such assessment and apportionment, to the end that the parties interested therein, may be heard before said council or committee,

Lots assessed  
by mistake.

Council to  
make a just  
apportion-  
ment of as-  
sessment.

Provided-

Owners to be  
notified of  
meeting.



Notice to be  
published.

Repealer.

which notice shall be served personally upon such person, or can be found in said city of Hoboken, at least five days before the time fixed for said meeting, and upon such person who cannot be found in said city by publishing said notice in one or more of the newspapers published and circulated in said city, for at least ten days before the time fixed for said meeting.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLVI.

A Supplement to an act entitled "An Act to incorporate the borough of Frenchtown, in the township of Frenchtown, in the county of Hunterdon," approved March 18, eighteen hundred and sixty-seven.

Saloons re-  
quired to take  
out license.

Council may  
grant licenses.

Penalty for  
selling with-  
out license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all saloons located within the corporate limits of the borough of Frenchtown, in the county of Hunterdon, where any vinous or malted liquors are kept and sold, to be drank on the premises, shall be required to take out license, in the same manner and upon the same terms, and subject to the same liabilities that innkeepers are subject to under the laws of this state.

2. *And be it enacted*, That the common council of the borough of Frenchtown shall have power, and they are hereby authorized to grant license, upon due application to the said council, to any person or persons applying for a license, if, in the judgment of the said common council, the granting of a license to such person or persons will conduce to the public good.

3. *And be it enacted*, That any person or persons who shall sell or vend any spirituous liquors in an inn, tavern or saloon, within the corporate limits of the said borough of Frenchtown, where any spirituous liquors are sold, without a license, shall be liable to a fine of not less than five dollars, nor more than ten dollars, for each offense.

shall be sold to be drank on the premises, without first obtained a license therefor, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof, fined not less than twenty, nor more than one hundred dollars, or be imprisoned in the county jail of said county than twenty, nor more than forty days, or both, in discretion of the court.

*And be it enacted*, That whenever any license shall be Council may revoke and annul license. to any person or persons aforesaid, it shall operate to the person licensed, and not to the house; and the common council of the said borough of Frenchtown, upon written complaint to them, made by any citizen of said borough, when sitting as a council, and upon due proof before the council of the charges in said complaint made, shall have power to revoke and annul the license by them granted to any person or persons against whom said complaint shall be made; and if any person or persons whose license shall be so revoked and annulled as aforesaid, shall continue to sell or retail any spirituous or malt liquors to be drank on his, or her, or her premises, the person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to the pains and penalties prescribed in the provisions of this act; *provided*, that the person or person Proviso. against whom any written complaint shall be made as aforesaid, shall be served with a copy of said complaint, duly signed by the mayor and clerk of said borough, at least ten days before action shall be taken thereon; and that the person or persons so complained of shall be heard before the common council, either in person or by attorney, unless they shall waive a hearing.

*And be it enacted*, That the common council shall have Power to pass ordinances. within said borough to make, establish, publish and amend or repeal ordinances, rules, regulations, by the following purposes: to license and regulate restaurants, victualing houses or cellars, wholesale liquor dealers, bowling alleys and ball alleys, and to prohibit the gaming of the same, except by persons duly licensed, and any person or persons violating this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the pains and penalties prescribed in the third section of this act.

*And be it enacted*, That each license granted by virtue Licenses to be signed by the mayor of the provisions of this act shall be under the hand and seal

of the mayor of said borough of Frenchtown, and attested by the clerk of said borough.

Act when to  
take effect.

7. *And be it enacted*, That this act shall take effect on the first Thursday in April, eighteen hundred and seventy-two.  
Approved March 26, 1872.

## CHAPTER CCCLVII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of Egg Harbor City," approved February thirteen, eighteen hundred and sixty-eight.

Constable to  
pay money to  
treasurer and  
make return  
to clerk.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the constable, to whom a warrant may be delivered, as specified in the first section of "A Further Supplement to an act entitled 'An Act to revise and amend the charter of Egg Harbor City,'" approved February thirteen, eighteen hundred and sixty-eight, approved March thirty-one, eighteen hundred and sixty-nine, immediately after a tax sale to pay the money or moneys, raised by such sale, to the treasurer of said city, and to make return of said warrant and his proceedings thereunder, to the clerk of said city, to be filed by said clerk among the other papers of said city.

Warrant to be  
recorded.

2. *And be it enacted*, That the warrant mentioned in the last preceding section, before the execution thereof, be recorded by the clerk of said city in a book to be provided for that purpose, which said record thereof shall be received as evidence in the several courts of this state.

Vacancy, how  
filled.

3. *And be it enacted*, That in case of death, resignation, inability, disqualification, neglect, refusal, removal out of the city, or expiration of the term of office of the constable who made any sale of land for taxes under the act and supplement to which this is a further supplement, it shall be lawful for the common council of said city, in case of a vacancy, to appoint another constable in his place until the next regular

or if there is no vacancy, to appoint one of the two  
s in office as successor to the constable who made  
; and it shall be the duty of the constable appointed  
sor as aforesaid, to execute deeds to the purchasers  
old for taxes by his predecessor in office, which deeds  
as good and valid in law as if executed by the con-  
o made such sale.

*And be it enacted*, That for the services hereinafter Fees and costs  
and performed under the act and supplements to  
is is a further supplement, the following fees and  
ll be allowed and no more:

justice, who shall issue the warrant to sell real and To justice.  
property for taxes, two cents for every delinquent's  
rein contained;

the constable, to whom such warrant shall be directed, To constable.  
r for executing and returning the same; and in ad-  
reto thirty-four cents for each distress, and also three  
each dollar by him collected and paid over to the  
urer by virtue of said warrant; and further, for sign-  
deed ten cents;

the clerk of the city for each certificate of sale exe- To clerk.

l delivered to a purchaser, the sum of fifty cents;

the conveyancer, who is to be selected from among the To convey-  
ancer.  
s resident in said city, and to be appointed by the  
council of said city, for drawing deeds to the pur-  
f land at any tax sale, every year, shall receive for  
ntaining only one conveyance the sum of one dollar  
ty five cents; and for every additional convey-  
the same deed the sum of twenty-five cents; the  
eiving said deed to be at the expense of drawing  
the revenue stamps and the acknowledging of the

r publishing the notice of a tax sale the price shall be Publishing  
notice of sale.  
for every delinquent's name, for the first insertion,  
cents for every delinquent's name for each subse-  
erion after the first, in each newspaper that may be  
d by the common council of said city for the publica-  
ch notice.

*And be it enacted*, That this act shall be taken and  
o be a public act, and shall take effect immediately.  
ved March 26, 1872.

## CHAPTER CCCLVIII.

## An Act for the preservation of sheep in the township of Mansfield, in the county of Burlington.

- 1.** *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That it shall be and is hereby made the duty of the township committee of the township of Mansfield, in the county of Burlington, in each and every year after the passage of this act, to ascertain the amount of damages which has been sustained during the past year by any resident of said township by the destruction or wounding of his, her or their sheep by any dog or bitch, and also to ascertain the number of dogs and bitches owned or harbored in said township; and upon ascertaining the same, the township committee of said township shall direct the assessors of said township to make an assessment upon all owners or harborers of any dogs or bitches therein, to an amount equivalent to the damages so sustained; said assessments to be made at such a rate, upon every such owner or harbinger of any dog or bitch, as said township committee may deem equitable and just; *provided,* the rate so fixed to be paid by the owner or harbinger of any pen bitch, shall be at least double that imposed upon the owner or harbinger of any dog in said township.
- 2.** *And be it enacted,* That the sums of money collected by virtue of this act shall be exclusively appropriated by said township committee to make good any loss or losses which may be sustained by any person or persons, by the destruction or wounding of his, her or their sheep within the said township; and the amount so directed to be assessed and collected each and every year in said township, shall be assessed and collected by the assessors and collectors appointed or elected in said township for the assessing and collecting of the state, county and township tax therein, in the same manner, and at the same time as the other annual taxes in said township are now or shall be hereafter assessed and collected.
- 3.** *And be it enacted,* That all acts, so far as they apply to said township, which conflict with or are repugnant to this

Damages for destruction of sheep, how ascertained and assessed.

Proviso.

Money collected, how appropriated.

Repealer.



and the same are hereby repealed, and this act shall  
 not immediately.  
 passed March 26, 1872.

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## CHAPTER CCCLIX.

to incorporate the Cape May Paper Manufacturing  
 Company.

IT ENACTED *by the Senate and General Assembly of  
 the State of New Jersey*, That Lester H. Todd, Hezekiah  
 Henry Swain, Ely Townsend and John Kandle, and  
 their successors and assigns, be and they are hereby created

corporators and corporate in law, by the name of "The  
 Cape May Paper Manufacturing Company," for the pur-  
 pose of manufacturing and dealing in paper and paper bags  
 at their branches, in the county of Cape May, and carry-  
 on the business incident to such manufacture and deal-  
 ing, and may hold and erect such mills, buildings, and  
 works as may be required to carry on such business.

*And be it enacted*, That the said corporation may pur-  
 chase, hold, and enjoy such real estate in the county of  
 Cape May, as the board of directors may deem requisite for  
 the use of said corporation, to erect buildings thereon for  
 the occupancy of the operatives in said works, and  
 from time to time may lease, mortgage, sell, or otherwise dis-  
 dispose of the same at pleasure.

*And be it enacted*, That the capital stock of said cor-  
 poration shall be twenty thousand dollars, with power to in-  
 crease the same to any amount not exceeding thirty thou-  
 sand dollars, and shall be divided into shares of one hundred  
 dollars each, which shall be deemed personal property, and  
 shall be held in such manner as shall be prescribed by the  
 board of the said corporation.

*And be it enacted*, That it shall and may be lawful for  
 the persons named in the first section of this act, or a  
 majority of them, at such time and place as they may select,

Name and  
 powers.

May purchase,  
 hold and pos-  
 sess real es-  
 tate.

Amount of  
 capital stock.

Books of sub-  
 scription.



to open books of subscription to the capital stock of said corporation, and whenever the sum of five thousand dollars shall have been subscribed and actually paid in, it shall and may be lawful for the said corporation to organize and conduct its business under the provisions of this act.

Election of directors.

5. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than five directors, and shall be stockholders, one of whom shall be president; such directors shall hold their office for one year and until others are elected in their stead; an election of directors shall be held yearly, at such time and place, and upon such notice, and in such manner as the by-laws may direct, at which election each stockholder shall be entitled to one vote either in person or by proxy for each share of stock by them respectively owned.

May increase capital stock.

6. *And be it enacted*, That the said corporation may, from time to time, increase the capital stock to any amount not exceeding the amount authorized in the third section of this act; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders respectively all such sums of money as are by them subscribed, at such time and in such proportions as the said directors shall determine; and in case any stockholder shall neglect or refuse to pay in the amount so called for and demanded after being notified at least thirty days previous to the time of payment, such shares, and all previous payment made thereon, shall be forfeited to the said corporation.

Subscriptions for stock.

7. *And be it enacted*, That any buildings, land, machinery, or other property used in manufacturing and carrying on said business, may be received in payment of subscriptions to the capital stock, at a valuation agreed upon by a majority of the board of directors, or a majority of the stockholders.

May make by-laws.

8. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish, and put in execution such by-laws and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits and concerns of the said corporation.

General powers.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved February fourteenth,

hundred and forty-six, so far as the same are ap-  
*and be it enacted*, That this act shall take effect imme-  
 roved March 26, 1872.

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CHAPTER CCCLX.

ment to an act entitled "An Act to incorporate the  
 Vincentown and Shamong Railroad Company," approved  
 the twenty-fourth, eighteen hundred and sixty-nine.

*IT ENACTED by the Senate and General Assembly of  
 the State of New Jersey*, That the said Vincentown and Shamong  
 Railroad Company shall have the power and privilege of  
 extending their railroad from Vincentown in a north-  
 westerly direction to a point on the Columbus, Kinkora and  
 Shamong Railroad, at or near Columbus, in the county of  
 Burlington.

*and be it enacted*, That the said Vincentown and Shamong  
 Railroad shall have the power to connect their road

with the Vincentown branch of the Burlington County Rail-  
 road with the road of the Vincentown Marl Company.

*and be it enacted*, That the said Vincentown and Shamong  
 Railroad be, and the said company is hereby authorized  
 to lease its railroad to any other railroad company, which is  
 authorized to take such lease and operate the same  
 on such term or terms, and for such time as the said parties  
 may agree upon; and the said company which shall take or  
 shall take a lease of such railroad, shall be, and is hereby  
 required to endorse or guarantee the bonds of the said  
 Vincentown and Shamong Railroad Company in any manner  
 the parties may agree upon to aid the said company in the  
 completion of its said railroad.

*and be it enacted*, That the time for commencing said  
 extension shall be extended to the fourth day of July, eighteen  
 hundred and seventy-five, and be completed within ten years

from the fourth day of July next ensuing, otherwise this act shall be void.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCXLI.

### An Act for the relief of Thomas Martin.

Preamble.

WHEREAS, Mary Martin, late of the city of Newark, Essex county, New Jersey, departed this life on the fifteenth day of June, eighteen hundred and sixty seven, intestate, and without issue, leaving Thomas Martin, her husband, and no lawful heir who can inherit the estate of which she died possessed, being a house and lot in said city of Newark; and whereas, the said property was purchased with the money of said Thomas Martin, but the title therefor was taken in the name of the said Mary; and whereas, the said Thomas, by reason of advanced age and blindness, is unable to follow any employment, and is entirely without any means of support excepting such as may be derived from said property; therefore,

Title vested in  
Thomas Martin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the said Mary Martin, deceased, at the time of her death, of, in and to the following described lot of land and premises situate in the city of Newark, Essex county, New Jersey, beginning in the easterly line of Columbia street, at a point three hundred and twenty-four feet and three inches from the corner of Elm street; thence running along Columbia street, north twenty-seven degrees and thirty minutes east, thirty feet to Cornelius Manderville's lot; thence along the said Manderville's line, south sixty-four degrees and fifty minutes east, one hundred feet; thence, south twenty-seven degrees and thirty minutes west, thirty feet, to a lot conveyed by Isaac Baldwin to Thomas G. Laing on the seven-

of May, one thousand eight hundred and thirty-  
 ce along the line of said Laing's lot north, sixty-  
 es and fifty minutes west, one hundred feet, to the  
 eginning on Columbia street, and all the right,  
 est and estate of the state of New Jersey, of, in  
 e said lot of land and appurtenances be, and the  
 hereby vested in the said Thomas Martin, his heirs  
 s, to his and their only proper use, benefit and  
 ever.

*be it enacted*, That this act shall take effect imme-

d March 26, 1872.

## CHAPTER CCCLXII.

incorporate the Mount Holly Metal Company.

*ENACTED by the Senate and General Assembly of  
 New Jersey*, That George H. Ball, C. F. Voight, Corporators.

B. Slack, Philip F. Slack, their associates and  
 be, and they are hereby created and declared to  
 politic and corporate in law, by the name of "The  
 ly Metal Company," and as such shall have per-Name.  
 cession, and all the privileges and franchises be-  
 incident to a corporation.

*be it enacted*, That the capital stock of said com-Capital stock.  
 be fifteen thousand dollars, divided into shares of  
 ue of fifty dollars each, with the privilege of in-  
 id capital stock to fifty thousand dollars, which  
 k shall be personal property, and be transferable  
 s of the company.

*be it enacted*, That the above named corporators, Commission-  
 ers to open  
 books and re-  
 ceive sub-  
 scriptions.  
 ty of them, may, at such time and place as they  
 open books of subscription to the capital stock of  
 y; and whenever the sum of ten thousand dollars  
 been subscribed and actually paid in, it shall and

may be lawful for the said corporation to organize and conduct its business under the provisions of this act.

Principal of  
fice.

4. *And be it enacted*, That the principal place of business of said company shall be located at Mount Holly, in the county of Burlington, and that the said company shall be, and they are hereby authorized to engage in manufacturing and rolling zinc, lead, and other metals, and may erect mills and buildings, may purchase, hold, lease, mortgage, or sell such real estate in the county of Burlington as may connected with, and for the transaction of the business of the company.

Directors to  
manage af-  
fairs.

5. *And be it enacted*, That the business of said corporation shall be managed by not less than three, nor more than seven directors, who shall be stockholders, and one of whom shall be president; such directors shall hold their office for one year, and until others are elected in their stead; an election of directors shall be held yearly, at such time and place, and upon such notice, and in such manner as the by-laws may direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for each share of stock by them respectively owned.

Election of di-  
rectors.

May increase  
capital stock.

6. *And be it enacted*, That the said corporation may, from time to time, increase the capital stock to any amount not exceeding the amount authorized in the third section of this act; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportions as the said directors shall determine; and in case any stockholder shall neglect or refuse to pay in the amount so called for and demanded, after being notified at least thirty days previous to the time of payment, such shares, and all previous payments made thereon, shall be forfeited to the said corporation.

May make by-  
laws.

7. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish, and put in execution such by-laws and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation.

General pow-  
ers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act

ng corporations," approved February fourteenth, hundred and forty-six, and the several supplements so far as the same are applicable.

*and be it enacted*, That this act shall take effect immediately.

passed March 26, 1872.

## CHAPTER CCCLXIII.

for the incorporation of Presbyteries in the State of Jersey of the Presbyterian Church of the United States of America.

*IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any presbytery in this state of the Presbyterian Church of the United States of America, Trustees constituted a body corporate. shall at a stated meeting in accordance with its usages, by ballot, elect from its members five ministers and five elders to be trustees of the same, which said trustees and their successors in office, are hereby constituted a body politic and corporate in law, by such name as they may choose, pursuant to the directions of this act.

*and be it enacted*, That the said trustees shall take unto themselves a name, and shall certify such name under their hands and seals, and forthwith transmit the said certificate to the secretary of state of this state, whose duty it shall be to record the same, for which he shall be entitled to receive two dollars, and thereupon the said trustees shall be known and designated in law by the name of incorporation so taken, certified and recorded; a copy of said certificate duly certified under the hand and official seal of said secretary of state shall be received in evidence in any of the courts of this state.

*and be it enacted*, That the said trustees and their successors by such name of incorporation, shall be able and lawful to take, acquiring, receiving, having and holding real and personal estate, movable and immovable, for civil, charitable and religious purposes, by gift, devise, bequest, May purchase, hold and convey lands.



**Powers.** grant or purchase, any lands, tenements, legacies, donations, moneys, goods and chattels now held for the benefit of, or which hath been, or may hereafter be given, devised, bequeathed, sold or granted to the said corporation, or to the said presbytery for the promotion of its religious and charitable objects; and the same or any part thereof to sell, grant, assign, mortgage, alien, or dispose of; to sue or be sued, implead or be impleaded in any court of law or equity, to make and use a common seal, and the same to alter and renew at pleasure, and to make and adopt all necessary by-laws, rules and regulations necessary and proper for the control and management of the affairs, and carrying into effect the objects of the said corporation, and for the investment and reinvestment of its moneys, and for the disposition of the same and of the other property of the said incorporation.

**Other trustees may be elected.**

**Proviso.**

4. *And be it enacted*, That for perpetuating a line of succession in the trustees of every presbytery incorporated under this act, the members thereof, convened at a stated meeting as hereinbefore directed for the election of the first trustees, may at any time they may think proper, elect by ballot any other trustee or trustees in the stead of those or any of those before elected; *provided*, such renewal shall not be less than one year after his or their election into office, unless it shall be to fill up the vacancy, which may be caused by the death or resignation of any trustee or his moving out of the limits of the said presbytery.

**President.**

5. *And be it enacted*, That such corporation may elect annually one of its own members to be their president, who shall keep the minutes and enter the orders, acts and proceedings of the corporation in a book to be kept for that purpose, and who shall have the custody of the common seal and the papers, deeds, writings, documents and books of or relating to the said corporation, and who is hereby required to convene the said corporation as occasion may require; and in case of his absence from any cause, then the said office of president shall devolve on the senior trustee for the time being, who shall occupy the same until the return of the president or the election of another.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLXIV.

to incorporate the Stafford Mutual Insurance Company.

IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William N. Grier, John A. Corporators.

Isaac S. Jennings, William Cox, John Torrey, junior, Sprague, Amos Faulkinburg, George W. Campbell, John Willets, Joseph Pharo, Samuel Birdsall, Wil-  
 ench, Jarvis H. Bartlett, and all other persons who  
 hereafter associate with them in the manner hereafter  
 provided, shall be a corporation by the name of "The  
 Mutual Insurance Company," for the purpose of in- Name and powers.  
 buildings, household furniture, merchandise and other  
 property, against loss or damage by fire; and by that name  
 their successors may have perpetual succession, and  
 have power to sue and be sued, and to defend and be  
 defended in all courts, whether in law or equity, and by that  
 name may have, purchase, possess and enjoy to them, and to  
 their successors, lands, tenements, hereditaments, goods,  
 and effects of what nature and kind soever necessary  
 for the purpose of said corporation, and the same may grant,  
 alien and dispose of at pleasure, for the benefit of  
 the company, and may also have a common seal, and alter  
 the same at pleasure; also may make and estab-  
 lish by-laws and regulations as to them shall seem ne-  
 cessary and expedient for the well ordering and government  
 of said company, and put the same into execution; *pro-* Proviso.  
 vided that they be not contrary to the constitution or laws  
 of the State, or of the United States.

And be it enacted, That all the affairs, property and Affairs to be managed by directors.  
 of said corporation shall be managed and conducted  
 by seven directors, five of whom shall constitute a quorum,  
 and shall continue in office one year, and until others shall  
 be chosen in their place, all of whom shall be members of  
 the corporation, and shall take an oath or affirmation  
 to faithfully discharge their duties, and choose out of their body a president; all va- Vacancy, how filled.  
 cancies may be filled for the remainder of the year by such

person or persons as a majority of the board of directors for the time being may appoint.

Insured to be-  
come mem-  
bers.

3. *And be it enacted*, That all persons who shall insure with said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in the same as hereinafter provided for, shall thereby become members thereof during the period they remain insured by said corporation, and no longer.

Election of di-  
rectors.

4. *And be it enacted*, That the persons named in the first section of this act shall be the first directors of said corporation, and that annually thereafter a board of directors may be elected, at such time and place, in the town of Mannahawkin, township of Stafford, county of Ocean, and state of New Jersey, as the said corporation in their by-laws shall appoint; of each election due notice shall be given in at least one newspaper printed in said county, for two weeks immediately preceding such election; and it shall be the duty of the board of directors to appoint three persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election, and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

May appoint  
officers.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon; and may also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies and  
contracts  
binding on  
company.

6. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by said company, may be made under the seal thereof, and shall be subscribed by the president and attested by the secretary, and, being so subscribed and attested by the secretary, shall be binding and obligatory upon said company, and the com-

shall be liable for all loss or damage sustained, agree and on such terms and conditions as shall be contained in the policy.

*And be it enacted,* That every person who shall become a member of said company shall, before he or she receives his share of the policy, pay such sum of money, and deposit their money in a savings bank or other place of deposit, or in a mortgage, or in a policy of insurance, or in any other way, as may be determined upon by the directors, such note or notes to be paid at such time and in such manner as the by-laws may determine; and it shall be lawful for said company to put out on interest their moneys, or any part thereof immediately wanted for the purpose of said corporation, in bonds and mortgage, on real estate, government or other securities, and may, from time to time, call in such money or such investments.

*And be it enacted,* That when any property insured by said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his note or money upon the payment of his proportion of all losses, risks and expenses that have accrued prior to such surrender, but the policy shall not be void, and the assignee or alienee having the policy assigned to him, shall have the same ratified and confirmed to him for his own use and benefit, on application to the directors, and with their consent, within thirty days next after such alienation, giving proper security to the satisfaction of said directors; and by such ratification and confirmation such assignees or alienees shall be entitled to all the rights and privileges and be subject to all the liabilities to which the original party to whom the policy insured was entitled and entitled to.

*And be it enacted,* That all buildings insured by said company, together with the right, title and interest of the assured in the lands on which they stand, shall be and hereby be mortgaged to said company, and the said company shall have a lien thereon, in the nature of a mortgage, to the extent of the deposit note or notes given for such insurance.

*And be it enacted,* That the officers of said company, at the expiration of one year from the time the first policy has been issued, or within one month thereafter, and at the expiration of every subsequent year, shall cause an account to be made of the profits or losses, and true state of

Company may  
invest certain  
moneys on  
bond and  
mortgage.

Policies, how-  
ever, how-  
suspended  
and cancelled.

Company to  
have a lien on  
property in-  
sured for  
amount of  
notes.

Annual esti-  
mate of profits  
or losses.

the affairs of said company, to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profit, as hereinafter provided for.

Certificates of profits.

11. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business in proportion to the amount of premiums paid by him or her, but no person shall be entitled to a certificate for premiums paid on a policy that occasions loss, nor shall any certificate be issued for the fractional parts or sums between even tens of dollars, nor for any sum less than ten dollars, but all such fractional parts of such sum or sums less than ten dollars shall be passed to the contingent account of said company, and applied to the payment of expenses and other charges of said company.

Excess of cash, how applied.

12. *And be it enacted*, That when the cash means on hand shall exceed twenty-five per centum of the amount of risks the company is liable for at any annual meeting, the excess may be applied to the payment of the certificate, in such manner as the directors may determine.

Suits at law.

13. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of their deposit notes, or any part thereof, or for any other cause relating to the business of said company; also, suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses, if payment be withheld more than four months after the company are duly notified of such loss or damage, and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any case on account of his being a member of said corporation.

Especial insurances.

14. *And be it enacted*, That especial insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured.

When to issue policies.

15. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of ten thousand dollars at least.

Place of business.

16. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the said village of Mannahawkin as shall be designated by a majority of the directors, at their first regular meeting in every year.

*And be it enacted*, That in case it shall at any time Failure to elect directors not to dissolve  
 that an election of directors shall not be made on  
 y, when, pursuant to this act, it ought to have been  
 the said corporation shall not, for that cause be deemed  
 dissolved, but it shall and may be lawful to hold such  
 n on such other day as the directors of said corpora-  
 shall direct.

*And be it enacted*, That this act shall take effect im-  
 mediately.

Approved March 26, 1872.

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## CHAPTER CCCLXV.

act to authorize and empower the Consistory of the Re-  
 ned Church of Middlebush, in the county of Somerset,  
 state of New Jersey, to assess the pews of the said  
 church.

BE IT ENACTED *by the Senate and General Assembly of*  
*State of New Jersey*, That the consistory of the Re- Power to as-  
 sess pews, &c.  
 ned Church at Middlebush, be and they are hereby au-  
 thorized and empowered to make assessments on the pews of  
 the church from time to time, for the purpose of raising  
 money for the salary of the minister, the current expenses  
 of the church, and the support of the gospel, with power to  
 do the same; *provided however*, that such assessment Proviso.  
 shall not exceed the sum of five hundred dollars a year above  
 the specified salary of the minister.

*And be it enacted*, That this act shall take effect imme-  
 diately.

Approved March 26, 1872.



## CHAPTER. CCCLXVI.

A Supplement to the act entitled "An Act to incorporate the Columbus and Kinkora Railroad Company," approved April second, eighteen hundred and sixty six.

Proceedings  
in case com-  
pany or own-  
ers cannot  
agree.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the said company or its agents cannot agree with the owner or owners of any lands which may be required by said company for depots or for any other purposes, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company shall be given writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders, residents in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and

ne the said lands, and to make a just and equitable  
 ate or appraisement of the value of the same, and as-  
 ent of damages which shall be paid by the company for  
 land and damages aforesaid; which report shall be  
 in writing, under the hands and seals of the said com-  
 mers, or any two of them, and filed within ten days  
 after, together with the aforesaid description of the land,  
 the appointment and oaths and affirmations aforesaid, in  
 clerk's office of said supreme court, to remain of record  
 n; which report, or a copy thereof, certified by the  
 of said court, shall at all times be considered as plenary  
 ce of the right of said company to have, hold, use, oc-  
 possess and enjoy the said land, or of the said owner  
 ners to recover the amount of said valuation, with in-  
 and costs, in an action of debt, in any court of com-  
 jurisdiction, in a suit to be instituted against the com-  
 if they shall neglect or refuse to pay the same for  
 y days after demand made of their treasurer, and shall  
 time to time constitute a lien upon the property of the  
 ny, in the nature of a mortgage; and the said justice  
 supreme court shall, upon application of either party,  
 n reasonable notice to the others, tax and allow such  
 fees and expenses to the said justice, commissioners,  
 and other persons performing any of the duties pre-  
 d in this section, as they or he shall think equitable and  
 which shall be paid by the company; *provided always,* Provide.  
 should the said company or the owner or owners of any  
 land or materials feel himself, herself or themselves  
 eved by the decision of the commissioness aforesaid, he,  
 they may appeal to the next circuit court of the county  
 in the said land or materials may lie.

*And be it enacted,* That every appeal from the deci- Proceedings  
in case of ap-  
peal.  
 f commissioners appointed under the preceding section  
 be made in writing and in the form of petition to said  
 and filed with the clerk of said circuit court of the  
 y wherein the lands or materials appraised by the said  
 issioners shall be, and notice in writing of such appeal  
 be given to the opposite party within ten days after the  
 thereof; which proceeding shall vest in said circuit  
 full right and power to hear and adjudge the same, and  
 ect a proper issue for the trial of the said controversy  
 formed between the said parties, and to order a jury to  
 uck and a view of the premises to be had, and the said

issue to be tried at the next term of said court to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said company shall have offered or the said commissioners awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall the said company enter upon or take possession of any lands of any person or persons, for the purposes aforesaid, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the said commissioners as the value of such lands and damages, in case the report of the commissioners is not appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of an appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands shall lie, shall be deemed a legal and valid payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

May purchase  
and hold real  
estate.

3. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses,

machine shops, and such other buildings and im-  
 nts as they may deem expedient for the safety of  
 and the construction of carriages and other necessary  
 d take and receive the rents, profits and emoluments  
 and shall have the privilege and authority to erect,  
 d maintain over such creeks or streams as the said  
 may cross, such piers, bridges, and other facilities May build  
 bridges, &c.  
 may think expedient and necessary for the full en-  
 of all the benefits conferred by this act.  
*and be it enacted*, That this act shall take effect im-  
 y.  
 oved March 26, 1872.

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## CHAPTER CCCLXVII.

to incorporate the New Jersey Trust and Safe De-  
 posit Company.

*IT ENACTED by the Senate and General Assembly of  
 e of New Jersey*, That Caleb S. Green, Joseph G. Corporators.  
 y, Philip P. Dunn, Augustus G. Richey, Thomas J.  
 Frederick R. Wilkinson, Charles S. Olden, Daniel  
 , Timothy Abbott, Samuel R. Smith, John T. Nixon,  
 Hewitt, John Woolverton, John S. Chambers and  
 J. Whittaker, and such other persons as may be  
 r associated with them and their successors, are  
 constituted a body corporate, in fact and in law,  
 e name of "The New Jersey Trust and Safe Deposit Name.  
 y," and by that name shall have perpetual succes-  
 d may sue and be sued in any court whatever, with  
 and privileges as are hereafter provided.  
*and be it enacted*, That the corporation hereby created Power to re-  
 ceive deposits,  
 &c.  
 ve power to receive and hold on deposit and in trust,  
 ecurity, estate, real, personal and mixed, including  
 nds and obligations of the government, of states,  
 es, corporations and individuals, and the same to  
 e, collect, adjust, settle, sell and dispose of, in any

manner, without proceeding in law or equity, and upon such terms as may be agreed upon between them, and the parties contracting with them; and, also, shall have power to receive upon deposit, for safe keeping, bullion, money, jewelry, plate, stocks, deeds, bonds and valuable property of every kind upon terms to be prescribed by the by-laws of the corporation; *provided*, that nothing herein contained shall authorize said company to engage in the business of banking.

Proviso.

Company may  
advance or  
loan money.

3. *And be it enacted*, That it shall be lawful for the company hereby incorporated to advance or loan money, and credit on pledge of merchandise, stocks, bonds and notes, and aid by loans contractors and manufacturers; to make insurance for the fidelity of persons holding places of responsibility and trust; to collect coupons of bonds or interest due upon obligations, when authorized to do so by parties depositing the same; to draw drafts or bills of exchange; to receive moneys on deposit, and allow such interest thereon as may be agreed upon with the depositors, not exceeding seven per centum per annum, and to accept and execute all such trusts of every description as may be committed to them upon such terms and commissions as may be established by said company, and agreed upon with any person or persons whatsoever, or by any corporation or for any trust or business committed or transferred to them by any court of record or any officer of this or any other state.

Company may  
act as receiver  
guardian, &c.

4. *And be it enacted*, That any court or individual may appoint the said company a receiver, assignee, guardian, executor, administrator or other trustee, or may order the deposit of moneys or valuables of any kind with said company for safe keeping, pending suit or otherwise.

May receive  
deposits.

5. *And be it enacted*, That any executor, administrator, guardian or other trustee or public officer having the custody or control of any bonds, stocks, securities, moneys or other valuables, belonging to others, shall be authorized to deposit the same for safe keeping with the said company.

Capital stock.

6. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each, with the privilege of increasing the same by a vote of the directors to any amount not exceeding five hundred thousand dollars, and when the sum of fifty thousand dollars shall have been actually subscribed and paid in, in cash, the said company may organize and proceed to business under this act.

*be it enacted*, That the persons named in the first section of this act shall be, and they are hereby appointed commissioners to receive subscriptions to the capital of the company, at such time and place as they, or a majority of them shall deem proper, and for such amounts as the board of directors may determine. Judgment the business of the company may require for no less amount of subscription than fifty thousand dollars as hereinbefore provided; and said persons shall have the authority, by a majority of them, to call a meeting of the stockholders, at any time and place, not less than ten days after the capital stock to the amount last subscribed shall have been subscribed, for the purpose of electing directors, who, when chosen, shall continue in office until the next annual meeting of the stockholders.

*be it enacted*, That the annual meeting of the stockholders shall be held on the second Monday in January of each year, after ten days' legal notice thereof having been given; and at such meeting fifteen directors shall be chosen to serve for the ensuing year or until others shall be elected in their stead. At such meeting a full and complete statement of the affairs of the company during the year past shall be made; all elections shall be by ballot, and every stockholder shall be entitled to vote for every share of stock held by him.

*be it enacted*, That the directors shall have power to elect a president, vice president, secretary and treasurer, and such other officers, clerks and agents as the business of the company may from time to time require; and they shall have power to fill all vacancies in their body which shall occur between two annual elections; and they shall determine the time and place of their own body shall constitute a quorum for the transaction of business.

*be it enacted*, That the directors shall have power to make and alter such by-laws, rules and regulations, not inconsistent with the constitution or laws of the United States and the laws of this State, as may be deemed necessary for the government and the conduct of its affairs.

*be it enacted*, That it shall be the duty of the directors to invest the capital of the company and the same invested in good securities, and it shall be the duty of the directors to make such investments of its capital as may be deemed proper, and to use the same for the purpose of accumulating funds by its business or any part thereof, and to invest the same in bonds and mortgages on unincumbered real estate, not less than fifty per centum more than the sum loaned

Commissioners to receive subscriptions.

Election of directors.

Officers.

Vacancy, how filled.

May make rules and regulations.

Capital, how invested.



thereon, and also in the public securities or stocks of the United States or any state thereof, or in the stocks or bonds of any corporation, authorized to be issued by the legislature of this state.

Authorized to  
issue certi-  
ficates and  
make con-  
tracts.

12. *And be it enacted*, That the company are hereby authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts which shall bear the seal of the company, and shall be signed by the president, and countersigned by the secretary or treasurer thereof.

Dividends

13. *And be it enacted*, That the company shall at no time make, declare or pay to the stockholders thereof, any dividends, except from its clear net profits, after deducting all losses and expenses from its gross income up to the time of declaring such dividends.

Books to be  
kept.

14. *And be it enacted*, That the books of the company shall at all times during their hours of business be open for inspection and examination by the supreme court of this state, or such person as the said court may designate as their agent for such purpose.

Principal of-  
fice.

15. *And be it enacted*, That the principal office of the company shall be in the city of Trenton, but the directors may establish branch offices or agencies, from time to time, in other parts of the state or elsewhere.

How dissolved

16. *And be it enacted*, That the company may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Provided.

17. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

CHAPTER CCCLXVIII.

incorporate the Dundee Dye and Print Works.

*ENACTED by the Senate and General Assembly of New Jersey*, That all persons who shall become to the capital stock hereinafter mentioned, their assigns, shall be and they hereby are created a corporation and body politic, in fact and in law, of "The Dundee Dye and Print Works." Corporate name.

*be it enacted*, That the capital stock of said corporation consist of one thousand shares, of the par value Capital stock. of one hundred dollars per share, with liberty to increase the same to fifty-five hundred shares, of the same par value, to be transferred in such manner as the said corporation may direct.

*be it enacted*, That Samuel W. Torrey and Bradstreet Wood be and they are hereby appointed Commissioners to receive subscriptions. commissioners to receive subscriptions to the capital stock of said corporation, and they, or either of them, shall open subscription to such stock at the village of Passaic, Passaic county, at such time and place as they, or either of them, shall appoint, and shall attend and receive the same.

*be it enacted*, That whenever the capital stock of said corporation to the amount of fifty thousand dollars paid up shall be subscribed, and fifty per centum thereof paid up, the commissioners, or whichever opens the books, shall call the same, and hold an election for directors of said corporation, first giving notice thereof, one week previously, in a newspaper published in Passaic county; and the directors shall be elected by ballot at such election, and the stockholders, each of whom shall have, at such election, one vote for every share of stock in the corporation; that said three directors shall constitute the first board of directors, and the same number or such number as the corporation may by its laws appoint, shall constitute the subsequent boards; and in case of a vacancy occurring in the board between the elections, the remaining directors shall fill the vacancy.

rectors shall have power to fill the vacancy; that said directors so elected shall hold their offices for one year, and until their successors shall be elected.

President.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president for such term and in such manner as they shall appoint.

Failure to  
elect directors  
not to dissolve

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation and all moneys received by them for such subscriptions; and said directors shall, by their by-laws, appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but the said election shall be held on some subsequent day, and the directors in office shall continue until such election.

Failure to pay  
installments  
to forfeit  
shares.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, and for any increase of its capital or any assessment thereupon, and in case of failure to pay such subscriptions, calls or assessments at such time as they may appoint, the said board may, after four weeks' notice in a newspaper published in the county of Passaic, declare the said stock, and all previous payments thereupon, forfeited to the corporation; and such stock, and all previous payments thereon, and all right to the same shall be forfeited and belong to the said corporation.

How dissolved

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice printed once a week, for four successive weeks, in a newspaper published in the county of Passaic; and upon such dissolution the directors, or such persons as the stockholders shall appoint and their successors, shall be trustees, and as such shall have full power to realize, sell and convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata.

Business of  
company.

9. *And be it enacted*, That the said corporation shall have power to carry on the business of dyeing, bleaching, printing and finishing cotton and other goods in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal property, and by

am and such other power as they may employ, may manufacturing and milling operations.

*And be it enacted*, That the said corporation shall <sup>General power.</sup> be subject to the restrictions and conditions contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable, and the act shall take effect immediately.  
 Passed March 26, 1872.

## CHAPTER CCCLXIX.

Amendment to the act entitled "A Further Supplement to an Act to incorporate the Hackensack and New York Railroad Company," approved February twenty-third, one thousand eight hundred and sixty-nine.

*IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the words in the first clause <sup>Amendment.</sup> of the second section of the act to which this is a supplement, "The Hackensack and New York Railroad Extension Company," be and the same are hereby changed and so as to read: "The Hackensack and New York Railroad Company."

*And be it enacted*, That the said The Hackensack and New York Railroad Extension Railroad Company be and it is hereby authorized to <sup>Authorized to construct and operate a branch railroad.</sup> construct and lay out, survey, lay out, construct and operate a branch railroad from a point in the line of their present railroad, at or north of Hillsdale, in Bergen county, New Jersey, to a point in the state line between New Jersey and New York, upon necessary authority from the state of New York, with the privilege of extending the line of their present railroad and the Paterson and Ramapo Railroad, with the privilege of extending the line of their present railroad into the state of New York, upon necessary authority from the state of New York, with the privilege of acquiring, purchase and hold all lands necessary therefor in the same manner that the said company were by law authorized to acquire, purchase and hold lands for said com-

pany's main line, and upon the construction of said branch road, to contract with any other company for conveying the passengers and freight of said branch road, or for leasing out said branch road to any company to run or operate the same.

May issue  
bonds.

3. *And be it enacted*, That the said company shall use the stock for the construction of said branch road in the same manner as provided by law for issuing stock for the construction of said main line, and that the said company, in addition to the seven hundred thousand dollars of stock issued by said company, and secured by mortgage upon the main line in the states of New Jersey and New York, may issue such other bonds as said company may deem necessary for the construction and equipment of such branch road, completing the main line, and secure such other bonds by mortgages either upon such branch road or upon the main line alone, or upon said branch road and main line together, as a first mortgage upon said branch road and mortgage upon said main line.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

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## CHAPTER CCCLXX.

### An Act to incorporate the Mechanics' Trust Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry M. Phelps, Jacob R. Schuyler, Rufus Story, Hiram Van Buskirk, James W. Trask, George Carrigan, and such other persons as may be named in the certificate of incorporation, and their successors, shall constitute a body corporate, in fact and in law, to be known by the name of "The Mechanics' Trust Company," and the same shall have perpetual succession, and may sue and be sued in its corporate name.

Name.

rt whatever, with powers and privileges as are here-  
provided.

*and be it enacted*, That the capital stock of said com- Capital stock.  
all be one hundred thousand dollars; but when fifty  
d dollars shall have been actually subscribed, and  
ive thousand been paid in, the company may orga-  
l proceed to business under this act.

*and be it enacted*, That the said company shall have May receive money on de-  
posit.  
o receive as deposits all sums of money which may  
ed, in such sums and at such times, and on such terms  
by-laws shall prescribe; which money so received  
repaid to such depositor, at such times and with such  
not to exceed seven per centum, and under such  
ons as shall be by said company from time to time  
ed; and shall have power to guarantee the payment,  
l performance and collection of promissory notes,  
exchange, contracts, bonds, accounts, claims, evi-  
of debt, and certificates of property or value, and  
s to property, real or personal, upon such terms as  
established by the board of directors of said com-  
o receive upon storage, deposit or otherwise, mer-  
e, bullion, specie, plate, stocks, bonds, promissory  
contracts, or other property, except household furni-  
d wearing apparel, and to take the management,  
and charge of real and personal estate and property,  
advance moneys, securities and credits, upon any  
y, real or personal, and on such terms as may be estab-  
y the directors of said company; and that the capital  
nd funds of said corporation may be invested and  
ed in, and loans made on bonds and mortgages on  
ate within the state of New Jersey, and the bonds  
ks of said state and of the United States.

*and be it enacted*, That the persons named in the first Commission-  
ers to receive  
subscriptions.  
of this act, shall be and they are hereby appointed  
ioners to open books for subscriptions to the capital  
f said company, at such time and place as they may  
proper, and for such amounts as in their judgment the  
s of the company may require, but for no less amount  
scriptions than fifty thousand dollars as hereinbefore  
d; the persons named in the first section of this act  
e directors of said company for one year after the  
of this act, and until others are elected in their



stead, who shall be elected by a majority in stockholders annually.

Authorized to  
issue certifi-  
cates, &c.

5. *And be it enacted*, That the said company be authorized to make, execute and issue in the course of their business all necessary receipts, certificates, contracts, which shall bear the impress or stamp of the company, and shall be signed by the president or countersigned by the secretary or treasurer thereof.

May increase  
capital stock.

6. *And be it enacted*, That it shall be lawful for the said company to increase the amount of its capital stock in the manner provided in and by an act entitled "An act to authorize the establishment and to prescribe the regulations for manufacturing purposes," approved March third, eighteen hundred and forty-nine, and by the amendments to said act.

Place of busi-  
ness.

7. *And be it enacted*, That this act be amended or repealed at the pleasure of the general assembly, and that the place of business of the said company shall be located in the city of Bayonne.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

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## CHAPTER CCCLXXI.

A Further Supplement to an act entitled "An act to incorporate the Elizabethtown Water Company," approved March third, eighteen hundred and fifty-one.

Increase of  
capital stock.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and lawfully may be and it is the duty of the said Senate and General Assembly to increase the capital stock of said company the sum of eight hundred dollars to be divided into shares of ten dollars each, and in at such times and in such installments as the directors of said company shall require; *provided*, That the said

Provided.

use of stock shall be lawful unless authorized by the holders of said company, by a vote of at least a majority of such stockholders in interest therein, and the vote to be voted for at a meeting of such stockholders called for that purpose, of which each stockholder shall have at least ten days notice, to be given in the same manner as notice of meetings of the said stockholders are required to be given.

*And be it enacted,* That the said company are hereby authorized and empowered to do any and all lawful acts necessary and expedient to procure water for the domestic and public uses of the citizens of the city of Elizabeth, and lands adjacent thereto; and it shall be lawful for the said company, by its officers and agents, to enter at all times upon all lands or waters in the county of Union, and survey, locate, and bore for water, and locate pipes, drains, reservoirs, and other buildings and fixtures, doing no unnecessary damage to private property; and when said location shall have been determined upon, shall cause a map to be made of the lands, except streets now in use, which they may require for the purposes of this act and the act to which this is a supplement, and file the same in the office of the clerk of the county of Union; and then it shall be lawful for the said company, by its officers, agents or contractors, to enter upon and hold the same for reservoirs, conduits, and all other purposes necessary for completing the works hereby contemplated, and to take and use such water as they may need, without payment of such compensation as is hereinafter provided.

*And be it enacted,* That in case of legal incapacity, or absence of the owners of any such land or water, and in all cases where the company cannot agree with the owners on the price, the company shall serve personal notice upon the owner, if known and in the state, or if unknown or out of the state, shall publish notice in one of the newspapers printed in the city of Elizabeth, that the company intends to make application to one of the judges of the court of common pleas in said county, on a day and at a place named, and not less than twenty days from the service of publication thereof, for the appointment of three commissioners; and on said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and im-

May enter on  
lands.

Map of lands  
to be made.

Proceedings  
in case com-  
pany and own-  
ers cannot  
agree.

partially to examine the matter in question report, according to the best of their skill and to meet at such time and place as they shall determine at least fifteen days notice of their said meeting before directed, and on the day so appointed view and examine the said lands or waters, and make an equitable estimate of the value of the same and the damages which will accrue from erecting and taking said lands or waters; and the said jury shall report in writing to the said judge, or to the interested, the whole amount which the company owner, stating in said reports the metes and bounds of the lands, or describing the waters for which such award is made; which said report the said company shall file in the office of the clerk of Union county, to be kept therein; and a copy thereof, certified by the clerk of said county, shall at all times be considered as prima facie evidence of the right of said company to have, hold, use, possess and enjoy the land so described, and no part thereof taken; and it shall be the duty of said company to pay to the owner or owners the amount assessed as damages in any case the owner or owners refuse to receive the same, or of the state, or are incapacitated by law to receive the same, then said sum shall be paid to the clerk of said county, to be retained for such owner; and upon making such award either of the ways above stated, the title to the land mentioned in the said award, and so paid for by the company in said company.

Proceedings.  
in case of ap-  
peal.

4. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commission made in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next session, and upon the said court shall hear and determine the same in the same manner as if said company were to appear before said court; and if the jury upon the said cause shall find a greater sum than that which the company have awarded or the company offered in favor of the owner or owners, then judgment thereon, with costs, shall be given against the company, which shall constitute a lien upon the premises in question, which said lien shall have priority over any other encumbrance which said company may have on the same; but if the said jury shall find the same or a less sum than that which the company shall have offered or the commis-

person appealing shall pay the costs in such manner  
court shall direct.

*And be it enacted*, That the provisions of the several acts <sup>provisions of certain acts to</sup>  
this is a further supplement shall apply to any ex-<sup>apply.</sup>  
of said company's works, and work done by the com-  
order and by virtue of this act, except so far as the  
e inconsistent with the provisions of this act.

*And be it enacted*, That this act shall take effect im-  
ly.

oved March 26, 1872.

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## CHAPTER CCCLXXII.

to incorporate the Manchester Land Improvement  
and Manufacturing Company.

*BE IT ENACTED by the Senate and General Assembly of the*  
*of New Jersey*, That Joel M. Johnson, Moses Drury, <sup>Corporators.</sup>  
us Van Winkle, Lyman Johnson and John D. Van  
n, and such other persons as may hereafter be asso-  
with them, shall be and are hereby declared a body  
ate and politic, in fact and in name, by the name of  
Manchester Land Improvement and Manufacturing <sup>Name.</sup>  
ny."

*And be it enacted*, That the stock, property, and affairs <sup>election of di-</sup>  
corporation shall be managed and controlled by five <sup>rectors.</sup>  
rs, a majority of whom shall be residents of this state,  
all after the first election of directors, hereinafter pro-  
or, be annually elected on the second Monday of Sep-  
, at such time of the day, and at such place in the state  
Jersey, as the by-laws of said corporation shall direct,  
blic notice of the time and place of holding such elec-  
all be given, not less than thirty days previous thereto,  
ewspaper printed in the city of Paterson; and the  
n of directors shall be made by such of the stockholders  
ll attend for that purpose, either in person or by proxy;  
l elections shall be by ballot, each share of stock being



Vacancies,  
how filled.

entitled to one vote, and the persons who shall have the greatest number of votes shall be the directors; and the directors, as soon as may be, after their election, shall elect one of their number, by ballot, to be the clerk; and shall be a resident of this state; and if any vacancy shall happen among the directors elect, the same shall be filled for the remainder of the term by the stockholders, by death, resignation, or otherwise, the vacancies shall be filled for the remainder of the term by one person or persons as the remainder of the term may be, or a majority of them, shall appoint.

Failure to  
elect not to  
dissolve.

3. *And be it enacted*, That in case an election shall not be made on the day when, pursuant to the charter, ought to be made, the said corporation shall not be deemed to be dissolved; but it shall and lawfully hold such election on such other day, in the manner as shall be prescribed by the by-laws and ordinances of the corporation.

Capital stock.

4. *And be it enacted*, That the capital stock of the corporation shall be the sum of seventy-five thousand dollars; the same shall be increased by a vote of the stockholders to the sum of two hundred thousand dollars, which the stockholders are hereby authorized to do, and that the stockholders shall be one hundred dollars; but so soon as the sum of one hundred dollars shall be subscribed, and the sum of one hundred dollars paid in, it shall be lawful for the said corporation to commence business; and it shall be lawful for the directors and directors of said corporation to call a meeting of the stockholders, respectively, all such meetings as by them are subscribed, at such time and place as they shall deem fit, not exceeding more than every thirty days, under the penalty of five dollars for every share of stock, and all previous payments on the said corporation; *provided always*, that not more than one of such installments shall be made in any one paper published in the county of Passaic, five days before the time for payment of the same.

Proviso.

Meeting of  
stockholders.

5. *And be it enacted*, That at the time of the subscription of the said stock, five dollars shall be paid upon each share subscribed to the said commissioners; and within twenty thousand dollars of said capital stock shall be subscribed, it shall be the duty of the said commissioners, or a majority of them, to call a meeting of

at least two weeks' notice thereof in a newspaper in the said county of Passaic, for the purpose of electing five directors by the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of capital stock entitling the holder thereof to one vote; said commissioners, or a majority of them, shall be the electors of such election, and shall certify, under their hands and the names of the persons, being stockholders, duly elected, and shall deliver over to them the books of subscription, showing all the moneys paid in, after deducting a reasonable compensation for their services; and the time and place of the meeting of the first directors, as provided for in this section, shall be fixed by said commissioners, or a majority of them.

*And be it enacted*, That a majority of the directors shall be the forum for the transaction of business of said corporation, and said directors shall have power to make by-laws for the government of said corporation.

May adopt by laws.

*And be it enacted*, That the said corporation are hereby authorized and empowered to purchase real estate, to hold buildings thereon, to lay out and improve said lands, and to procure and deal in the materials necessary therefor, to manufacture fertilizers and carry on the business incidental thereto, in the county of Passaic, and to sell and mortgage the same.

May purchase and hold real estate.

*And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable on the books of said corporation as the by-laws may direct.

Stock, how transferable.

*And be it enacted*, That this act shall continue in force for ten years, and that the legislature may at any time amend or repeal the same.

Limitation

*And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.



## CHAPTER CCCLXXIII.

## An Act to incorporate the Gloucester Water Company.

- 1. BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That David S. Ingham, James P. Michellon, William Sexton, their associates and successors, be and lawfully are created and declared to be a body corporate in law and in fact, by the name of "Gloucester Water Company," and as such shall have perpetual succession, the privileges and franchises belonging or in anywise appertaining to corporations, and by that name shall be capable of suing, being sued, purchasing, holding, leasing and conveying real and personal estate, water rights, tenements, goods and chattels, and doing all such things as may be necessary or expedient for the objects of the company, which objects are declared to be supplying, securing, preserving, storing, transmitting, distributing and the selling of water, and the erection of proper works for the distributing of the same for public and private use.
- 2. And be it enacted**, That the capital stock of the said company shall be fifty thousand dollars, divided into five hundred shares of fifty dollars each, which shall be deemed paid up in full, and transferable in such manner as the said company may by their by-laws direct, with the privileges and franchises of the same.
- 3. And be it enacted**, That the affairs of the said company be managed and controlled by a board of directors, the number, to be chosen by the stockholders at such time and in such manner as the by-laws may direct, and who shall serve for one year, and until their successors are elected and qualified; said directors shall elect by ballot one or more of their own number, and also elect or appoint one or more officers or agents as may be deemed expedient for the necessities in their own board, and may have power to amend and alter the same at pleasure, and until a new annual election, after the passage of this act, the said directors, of whom shall constitute a quorum for doing business.

ed above as directors of said company, and have make by-laws for the government thereof, not inconsistent with the laws of this state or of the United States.

*And be it enacted,* That the above named corporators, Commissioners to receive subscriptions. shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such place as they may direct, and at the time for subscription said stock, such amount on each share subscribed be paid, satisfied, or satisfactorily secured to said owners, as they or a majority of them shall direct, the residue of the subscription shall be paid, satisfied or as the directors of said corporation, when elected, in time to time direct, giving notice of such time and in a newspaper printed and published at the city of New York, for two weeks, at least once in each week; and in case of any person or persons to pay, satisfy and make the payment of such installment or installments, or in case of their failure, as aforesaid, the directors shall be empowered to sell the share or shares of each and every person so owing any of them, to and for the use and benefit of said corporation, and any share or shares forfeited as aforesaid, shall be sold by the said corporation, or any person or persons for the benefit, and may at any time be sold or disposed of for the benefit of the corporation, as said directors may direct, or may be divided proportionally among the rest of the stockholders, to be by them held and enjoyed, or may be transferred with all the rights and benefits incident to the same in all respects as they were original shares subscribed.

*And be it enacted,* That the city, or any of the adjoining Town authorities may subscribe for stock. authorities, or any body corporate, may, and they are hereby authorized, to subscribe to the capital stock of said company.

*And be it enacted,* That the said Gloucester Water Company are hereby authorized and empowered to use such stream or streams, water or waters, whether by dam or otherwise, and to store and convey such waters by means of aqueducts, pipe, mains, reservoirs, and of other works and appliances, through the lands, streets and alleys of the city of Gloucester and adjoining towns; to exercise any powers not inconsistent with the laws of this state, for carrying into effect the purposes of this act.

*And be it enacted,* That in case said company cannot

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

agree with the owner or occupants of any la-  
tended for the purpose thereof, the said com-  
to the judge of the circuit court of the c-  
for the appointment of three commissione-  
compensation to be paid for the lands or wa-  
proposed aforesaid to be used and taken sha-  
and determined; and in case of the refus-  
neglect to act, of any of said commissione-  
the court aforesaid shall, on application, a-  
their places.

Powers of  
commission-  
ers.

8. *And be it enacted*, That the commiss-  
fore entering upon the duties of their offi-  
scribe the oath before some person duly a-  
laws of this state, to administer oaths and  
they will faithfully and without fear or favor,  
just reward on each and every case submitted  
to them; they shall also give at least ten da-  
of the newspapers published in Gloucester,  
and cause a notice of the same to be poste-  
every of the premises in question, and so far  
diligence they may ascertain the residence  
ness of the parties interested therein, they  
of said meeting through the post office, or by  
in case any such owner shall be married  
infants, or otherwise incapacitated to act for  
judge aforesaid, may appoint some suitable  
their behalf before the said commissioners; t-  
may issue subpoenas to compel the attenda-  
before them, and they, or any of them, ma-  
usual oath to such witnesses; the commissi-  
a true record of their proceedings containin-  
taken, and showing the sum awarded to eac-  
person, and return the same to the clerk of  
filed as of record; the company shall pay e-  
the sum of five dollars per day for every  
spent by him in the performance of his duties.

Proceedings  
in case of ap-  
peal.

9. *And be it enacted*, That the said comp-  
to the proceedings, after the commissioners  
days after any award or determination is f-  
appeal therefrom, upon due notice to the ot-  
ties interested in the same, and the said  
the report of the commissioners, proceed  
appeal, and may confirm the proceedings of t-

me aside for irregularity, or order new proceedings  
 isements.

*And be it enacted*, That upon the payment or legal May take  
lands, &c.  
 of any compensation, awarded by the said commis-  
 or in case of appeal by the court, the said company  
 entitled to enter upon, for the purposes contemplated  
 ct. all the lands, waters and real estate for which  
 ensation shall be paid or tendered as aforesaid, to  
 use the same to themselves and their successors for-  
 any person to whom any compensation shall be  
 as aforesaid cannot be found, then the said payment  
 made by depositing the same with the clerk of said

*And be it enacted*, That the legal authorities of the City of Glou-  
cester may  
make arrange-  
ments for use  
of water.  
 Gloucester or adjoining towns or villages, are hereby  
 d to enter into any arrangement mutually agreed  
 them and the company to give, take and receive a  
 water for sanitary purposes, for public hydrants,  
 extinguishment of fires or other general purposes.

*And be it enacted*, That if any person shall knowingly, Penalty for  
injuring  
works.  
 or maliciously corrupt the water in any reservoir,  
 pipes or other portion of said company's works, or  
 or injure such works, he shall forfeit or pay treble  
 one half to said company and the balance to the  
 of the poor of the city of Gloucester, to be sued  
 recovered by any citizen thereof, before any court  
 jurisdiction of the offences, shall be punished by fine  
 isonment, by fine not less than fifty dollars, and by  
 ment not exceeding one year, or by both fine and  
 ment, at the discretion of the court.

*And be it enacted*, That this act shall be deemed and Meeting of in-  
habitants may  
be called.  
 be a public act, and the legal authorities of the city  
 ester, of any of the towns or villages, are hereby  
 d to call any meeting of the taxable inhabitants  
 for any purpose for which any meeting may be re-  
 necessary under the provisions of this act, for the  
 of obtaining a supply of water for their inhabitants.

*And be it enacted*, That this act shall take effect im-  
 7.

ved March 26, 1872.

## CHAPTER CCCLXXIV

Supplement to an act entitled "An Act to amend the Charter of the Orange Orphans' Society," approved April 18, 1867, hundred and sixty-seven.

Annual election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual election after be held on the second Thursday of January of each year, and that the present board of trustees of the Orange Orphans' Society shall continue in office until the second Thursday of January next, and their successors shall be elected.

Repealer.

2. *And be it enacted*, That so much of the act entitled "An Act to amend the Charter of the Orange Orphans' Society," as conflicts with the provisions hereof, be and the same is hereby repealed.

Approved March 26, 1872.

## CHAPTER CCCLXXV

An Act for the relief of John V. Hoboken.

Citizenship restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That John V. Hoboken, county of Hudson, be and he hereby is declared to have all the rights of citizenship.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.



## CHAPTER CCCLXXVI.

plement to an act entitled "An Act to incorporate the Insurance Company of New Jersey," approved the seventeenth, eighteen hundred and seventy.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the corporation <sup>Name changed.</sup> by the act to which this is a supplement, as expressed in the title of this act, shall be changed to "The German Insurance Company," with the same effect as if the act to which this is a supplement, it had been incorporated under the name and style of "The German Home Insurance Company;" and the said corporation by said new act shall possess all the rights and be subject to all the liabilities which it now possesses, or is liable to, by or under the name given to it by the said act to which this is a supplement.

And *be it enacted*, That the number of directors of the said company may be increased from time to time by a resolution passed at and by a stated meeting of the board of directors, <sup>Number of directors may be increased.</sup> provided, that the whole number of the directors of the said company shall at no time exceed thirty. <sup>Proviso.</sup>

And *be it enacted*, That seven directors shall form a quorum of the board of directors capable of transacting any business of said company. <sup>Quorum.</sup>

And *be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.



## CHAPTER CCCLXX

An Act to incorporate the Carlstadt

**Corporators.** 1. BE IT ENACTED *by the Senate and the State of New Jersey*, That Francis Laub, Karl Korth, Herman Foth, and their associate and successors, be and are constituted and declared a body corporate and sole under the name of "The Carlstadt Stock Company," with all the rights, powers and privileges incident to such corporation for the purpose of conducting the business of manufacturing, and by that name the said company have power to agree for and purchase so much land as may be deemed necessary and expedient by them for the carrying on of their business, and to erect such buildings and structures as may be required for the use of said corporation, and to have full power to purchase, hold, convey, lease, and otherwise dispose of any lands, tenements, and chattels whatsoever, and do all other things necessary and proper to effect the objects of the corporation.

**Amount of capital stock.** 2. *And be it enacted*, That the capital of said company shall consist of four hundred shares, each of one hundred dollars each, with the power to increase the same to one thousand shares, all of which shall be personal property, and shall be transferable and subscribed and paid for at such times and in such manner as the corporation shall direct; and in case of a default by any shareholder to pay his or her installments at the times appointed for the payments thereof, such shareholder, at the option of the board of directors of the corporation, shall be liable to a forfeiture of his or her share or shares until the payments thereon, to the said corporation, shall be made.

**Affairs, how managed.** 3. *And be it enacted*, That the said company shall be managed by Clemens Laub, Karl Korth, Herman Foth, and Gramlich, shall manage the affairs of said company, and it shall have been organized as herein provided. The said company shall keep their office for the carrying on of their business in Carlstadt, in the county of Essex.

*And be it enacted*, That it shall be the duty of said corporation immediately after the passage of this act, or as soon as it can consistently be done, to hold a meeting at a time, place and manner in which subscription capital stock of said corporation may be made, and when as fifty shares shall be subscribed, they shall call a meeting of the stockholders, who shall organize the said corporation, by electing from their number nine directors for the adoption of a constitution and by-laws for the said corporation, and at the said election and at all subsequent elections, each stockholder shall have one vote for each share of stock held by him or her, but no stockholder shall exercise more than five votes, either in person or by proxy, and the majority of the votes cast shall determine the election.

*And be it enacted*, That thereafter the said board of Directors (any six of them shall constitute a quorum) shall manage the affairs of said corporation in accordance with the provisions of this act, and the constitution and by-laws adopted by the stockholders aforesaid; and that the said directors may make such dividends as the profits, plans and rules of said corporation may or will allow.

*And be it enacted*, That it shall be the duty of the directors of the said corporation to call an annual meeting of the stockholders at the time fixed in the constitution adopted by said corporation, and to make a report at each annual meeting, of the affairs of the company, and that if required by a majority of the stockholders, shall produce the books, accounts and papers of the company; and if the directors shall neglect to call an annual meeting of the stockholders at the time prescribed, then said meeting may be called at any time by any number of the stockholders holding no less than ten per centum of the stock paid in.

*And be it enacted*, That so far as said company, constituted of the aforesaid persons and their associates, is already organized and organized, and has executed its business in conformity to the foregoing provisions of this act, such incorporation and organization, and such business transactions entered into and are hereby declared to be legal and valid, although the organization and transactions of its business have not been executed subsequent to the passage of this act.

*And be it enacted*, That this act shall take effect immediately from and after the date of its passage.

Approved March 26, 1872.

## CHAPTER CCCLXXVI

An Act to incorporate the Hackensack and  
Railway Company.

- Corporators** 1. BE IT ENACTED *by the Senate and G*  
*the State of New Jersey*, That William  
Knapp, G. Ackerson, junior, Charles H. V  
Coffey, Abram Collerd, Cornelius A. E  
Miller, Cornelius Lydecker, J. Smith H  
Thomas W. Demarest, and such other pe  
after be associated with them, their succes  
and are hereby created a body corporate  
**Name.** and in name, by the name of "The Hack  
wood Horse Railway Company," and shal  
chasing, holding and conveying any land  
and chattels whatsoever, necessary or exp  
of this corporation.
- Amount of capital stock.** 2. *And be it enacted*, That the amount  
said company shall be one hundred thous  
000), with the privilege of increasing the s  
thousand dollars (\$500,000), and shall be  
of one hundred dollars (\$100) each, whic  
personal property, and transferable in such  
corporation shall by their by-laws direct.
- Books of subscription.** 3. *And be it enacted*, That the books of  
stock shall be open at such place as the d  
nate, for any time not exceeding sixty (6  
direction of the board of directors, or such  
designated for that purpose.
- Election of directors.** 4. *And be it enacted*, That the stock,  
cerns of said corporation shall be manage  
a board of directors, seven in number, w  
holders, and a majority of whom shall l  
state of New Jersey; and that the said  
chosen on the third Tuesday of Decembe  
such time and place, and in such manne  
nated in the by-laws of said corporation,  
offices for one year, and until their succ

the directors chosen at such meeting shall, as soon as possible, after every election, choose out of their own number a president; and if it shall happen that any vacancies from any cause, the same may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors; and until those elected at the first annual meeting shall enter upon the duties of their office, the persons named in the first section of this act shall be directors of this corporation.

*And be it enacted,* That four (4) directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe by-laws, rules and regulations as to them shall appear proper and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix salaries to them, and also to the president, as to the same shall appear proper.

*And be it enacted,* That the said corporation shall have the authority to construct, maintain and operate lines of railroad upon any highway, public road and street, in the village of Englewood, in the township of Englewood and the county of Bergen, and the railway stations in the village of Hackensack, township of New Barbadoes, and in the county of Bergen.

*And be it enacted,* That the president and directors of said corporation shall declare and make such dividends as they may deem proper from time to time, out of the net profits of the business of said corporation.

*And be it enacted,* That the said corporation shall have the authority to borrow any sum or sums of money, from time to time, if it shall be necessary to build, construct, repair or equip the same, and to secure the payment thereof, by bond or mortgage, or otherwise, not exceeding the sum of one hundred thousand dollars, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

Failure to pay  
subscriptions  
to work for  
future.

May construct  
and operate  
street railroad

Dividends.

May borrow  
money and  
issue bonds.

Penalty for in-  
juring works.

9. *And be it enacted*, That if any person wilfully or maliciously impair, injure, destroy or use of said railroad, or any of its works, or machines, such person or persons shall be liable therefor to said corporation three times the amount sustained, by means of said corporation, within any court having jurisdiction of the same.

Steam power  
not to be used.

10. *And be it enacted*, That nothing herein shall authorize the said company to use steam power.

May be altered  
and repealed.

11. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act whenever the public good may require.

12. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLXXIX

A Supplement to the act entitled "An Act for the consolidation of the capital stock, properties, franchises and franchises of the New Jersey Central Railroad Company with those of the Erie Railroad Company, the Western Railroad Company, the Susquehanna Railroad Company, and the Hoboken, Ridgefield and Jersey City Railroad Company, or any or either of them," passed on the seventeenth, one thousand eight hundred and seventy-two.

Section three  
amended.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act entitled "An Act for the consolidation of the capital stock, properties, franchises and franchises of the New Jersey Central Railroad Company with those of the Erie Railroad Company, the Western Railroad Company, the Susquehanna Railroad Company, and the Hoboken, Ridgefield and Jersey City Railroad Company, or any or either of them," passed on the seventeenth, one thousand eight hundred and seventy-two, be amended so as to read as follows: "3. *And be it enacted*, That said companies, when so formed and consolidated shall be known as the New Jersey Midland Railway Company," and shall have all the property, rights, powers, privileges, franchises and liabilities of the companies so consolidated, and shall be made with either of the aforesaid companies, and shall be formed and discharged by such consolidated companies."



erty, real and personal, and mixed, and all debts due, whatever account, as well as of stock, subscriptions and other things in action belonging to said corporations, shall be taken and deemed to be transferred to and vested in the company hereby created, without further act or deed, and all property, rights of way, and all and every other interest shall be effectually the property of the said New Jersey Midland Railway Company, as they were of the former corporations, parties to said agreement; the said consolidated company may regulate and harmonize the grades and surveys made by the aforesaid companies, or either of them, and may make and file new surveys and maps; but the route or line of the aforesaid road or roads shall not be located beyond the limits authorized by the several acts incorporating the aforesaid companies, and the several supplements thereto; six rods in width for right of way, and such additional width as may be necessary for cuttings and embankments may be taken by said railway company, with so much land and real estate for stations, depots and other buildings as may be necessary; *provided*, that the said consolidated or New Jersey Midland Railway Company shall be laid out and constructed through the county of Sussex, under the chartered rights, powers and privileges of the said New Jersey, Hudson and Delaware Railroad Company; and it shall be lawful for the said company to construct a bridge or bridges across the river Delaware at any point between Belvidere and the Water Gap; *it is also provided*, that this company, *Provido.* any five persons named by this company, shall be authorized to open books to receive subscriptions for building lateral roads now authorized by the several charters, or either of any of the companies hereby proposed to be consolidated; *provided further*, that nothing in this act or the act to *Provido.* which this is a supplement shall authorize or empower the said company, or any of the said companies, to pass over any land owned or occupied by the Erie Railway Company, the New York and Erie Dock Company, the Morris and Essex Railroad Company, or the Northern Railroad Company of New Jersey, in Hudson county, otherwise than over or under the tracks of the said companies, in such manner as to allow all trains to pass safely and safely along such tracks without interruption, and without injury to or interference with the traffic of the four companies last named."



2. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLXXX.

An Act to confirm the title of land sold by William S. Woodruff, as administrator of Benjamin Woodruff, deceased, to Matthias F. Garthwaite.

**Preamble.** WHEREAS, on the fourteenth day of March, one thousand eight hundred and forty-eight, the orphan's court of the county of Essex, did order and direct William S. Woodruff, as administrator of the goods and chattels, credits, moneys and effects, which were of Benjamin Woodruff, late of said county, deceased, to sell the lands, tenements, hereditaments, and real estate of the said Benjamin Woodruff died seized, or as would be sufficient for the payment of the debts of the said Benjamin Woodruff, as appears by the order in the surrogate's office of said county, in book L of orphans' court records, at page two hundred and forty-five; and whereas, under and pursuant to said order, the said William S. Woodruff, as such administrator, did afterwards sell a certain house and lot of land, being in the (then) township of Rahway, in the county of Essex, to one Matthias F. Garthwaite, and the said Matthias F. Garthwaite, on the thirtieth day of May, one thousand eight hundred and forty-eight, did report such sale to the said orphan's court; and whereas, on the said thirtieth day of May, one thousand eight hundred and forty-eight, the said orphan's court did confirm the said sale, and did order conveyance of the premises to be made to the purchaser thereof, by the record of said confirmation and order in the surrogate's office, in book L of orphans' court records, at page two hundred and seventy-nine; and

ards, the said William S. Woodruff, as such administrator, executed and delivered to the said Matthias F. Garthwaite a deed bearing date the first day of June, one thousand eight hundred and forty-eight, purporting to convey to the said Matthias F. Garthwaite, his heirs and assigns, forever, the lands and real estate so sold as aforesaid, as appears by said deed duly recorded in book V six of deeds for Essex county, at page five hundred and forty-seven; and whereas, it now appears that there is no record in said surrogate's office of the grant of letters of administration to the said William S. Woodruff upon the estate of the said Benjamin Woodruff, although the said William S. Woodruff duly executed and filed a bond as such administrator to the ordinary of this state, with sufficient sureties as required by law, as appears by the said bond, dated the fourth day of September, one thousand eight hundred and forty-seven, and on file in said surrogate's office, and as such administrator, the said William S. Woodruff duly settled his account with the said orphans' court on the twenty-ninth day of August, one thousand eight hundred and forty-eight, as appears by the record of said settlement in said surrogate's office, in book L of orphans' court records, at page three hundred and four, and the said William S. Woodruff was always considered and recognized by said surrogate and said court as such administrator; and whereas, the said William S. Woodruff is now deceased, and the original letters of administration upon the estate of the said Benjamin Woodruff, deceased, cannot be found among his papers or effects; and whereas, it is evident that the said William S. Woodruff was duly appointed by the surrogate of the county of Essex, administrator of the goods and chattels, rights and credits, moneys and effects, which were of the said Benjamin Woodruff, deceased, but that the then surrogate of the said county of Essex has failed or neglected to record the grant of such administration; and whereas, in consequence of such failure or neglect, it is alleged that the title of the said Matthias F. Garthwaite, and those claiming under him, to the lands and real estate intended to be conveyed by said deed, is defective; therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the acts and proceedings of the orphans' court, of the county of Essex, in ordering and

Proceedings  
of orphans'  
court con-  
firmed.

Deeds and  
conveyances  
declared valid

confirming the sale of said lands and real estate by  
William S. Woodruff, in making sale thereof, the same  
same are hereby confirmed and declared to be  
effectual in law; and further, that the said deed  
and executed by the said William S. Woodruff, as  
administrator as aforesaid, to the said Matthias F. Garthwaite,  
be and the same is also hereby confirmed and declared to be  
valid and effectual in law, and to convey to the said  
said Matthias F. Garthwaite, his heirs and assigns, all the  
estate of the said Benjamin Woodruff, in the said  
real estate, the same to all intents and purposes, as if  
the grant of said letters of administration were not made,  
and further, that the several conveyances and deeds made  
said land and real estate, made by the said Matthias F. Garthwaite,  
thwaite, and those claiming under him, since the death of  
and delivering by said William S. Woodruff, be and the same  
be and the same are also hereby confirmed and declared to be  
valid and effectual in law.

2. *And be it enacted*, That this act shall take effect  
mediately.

Approved March 26, 1872.

## CHAPTER CCCLXXXI.

A Supplement to the act entitled "An Act to amend the  
the National Life Insurance Company, of New Jersey," approved March sixth, eighteen  
sixty-six.

Board of directors.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter the  
titors of said company shall consist of not less than  
not more than twenty-one directors, who shall be stockholders  
ers in said company; and at each election of directors of  
said company hereafter held, each stockholder shall  
pany shall be entitled to one vote for each share of stock  
owned by him.

Approved March 26, 1872.

## CHAPTER CCCLXXXII.

act to incorporate the Vineland Fire Insurance Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That E. M. Turner, Chas. K. Lane, Geo. W. Arms, James Sawyer, Seimen R. Fowler, Frank Tucker, Hazen T. Ellis and others, their associates, heirs and assigns shall be and they are hereby constituted and declared a body corporate in fact and in law, by the name, style and title of "The Vineland Fire Insurance Company," of Vineland, New Jersey, and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity; and that name may also have, purchase, possess and enjoy, with them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature or kind may be necessary for the purposes of this corporation, and power to grant, demise, alien and dispose of at pleasure for the benefit of the said company; and may also have a corporate seal, and alter and renew the same at pleasure; and may create and establish such by-laws and regulations as may seem necessary and expedient for the government of the said corporation, and to put the same in execution; *provided* that the same be not contrary to the laws of this state or of the United States.

And be it enacted, That the capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to five hundred thousand dollars, at any time during the continuance of this charter; which shall be deemed personal property, and transferable in such manner as the said company by their by-laws may direct.

And be it enacted, That the corporators named in this act, any two of them, be and the same are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that ten days' previous to the time and place of the opening of said books

Corporators.

Name and powers.

Provided.

Capital stock.

Commissioners to open books of subscription.



shall be given by the said commissioners, and of subscription may be kept open as long as best by the said commissioners so to do not less than twenty five thousand dollars of the capital subscribed and paid in, such commissioners, they, shall give notice to such subscribers

Election of directors.

place of meeting to choose seven directors a majority of whom shall be residents of this election shall be held at the time and place such of the subscribers to said capital stock in person or by proxy; each share of said stock for entitling the subscriber therefor to vote at election, the corporators herein named, or appointed for that purpose, shall act as judges and shall certify, under their hands, the names of the persons who may be elected; and shall thereupon to the persons so elected the subscription moneys as may have been received by them

President.

4. *And be it enacted*, That the directors shall meet at the first meeting, and at the annual election of said directors as soon as may be after every such election shall elect their own number a president, who shall have a successor shall be elected; and in case of resignation or disqualification of any director may be filled by said board of directors; and directors shall also have power to appoint a secretary, and such other officers and agents as may be necessary for carrying on the business of said corporation

Vacancies, how filled.

5. *And be it enacted*, That in case it shall happen that an election of directors shall not take place at the time when it should be held, the said company shall not be deemed dissolved; but such election shall be held at any other time as the directors for the time being shall determine and such directors for the time being shall hold their office until new ones shall be chosen in their stead

Failure to elect not to dissolve.

Powers of directors.

6. *And be it enacted*, That the elections of directors shall be held at such times and places as the directors shall from time to time direct; of which elections notice shall be given for at least ten days, in some public place published in the county of Cumberland; a majority of the directors shall be a quorum to transact all the business of said corporation; and they shall have power to

said company by such installments and at such times may direct.

*And be it enacted,* That in case any stockholder in said company shall fail or refuse to pay any installments on his stock, when called in by the directors, and required as herein provided for, it shall be lawful for the directors of said company, and they are hereby authorized, to sell the share or shares of each and every person so failing to pay such installments or any of them, to and for the use of the company, or, at their option, to sue for and recover the same or installments so remaining unpaid of the said person or persons in whose name such stock shall stand on the books of the company at the time of calling in the said installments respectively.

*And be it enacted,* That the principal office of the said company shall be in the village of Vineland, county of Cumberland, and that regular books of account shall be kept in said office, to which books any stockholder may have free access at all reasonable times for the purpose of inspection, and that books of transfer of stock shall also be kept, and the same shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

*And be it enacted,* That it shall and may be lawful for the said company to insure dwelling houses, merchandise, and all kinds of property for any person or persons against loss or damage by fire, hurricanes, tornadoes or other perils by perpetual policies or otherwise; also, to insure the same of all descriptions, their appurtenances and cargoes, and interests and property against every description of loss incident to marine and inland transportation, and to insure against all losses pertaining to fire, loss by fire or inland transportation, upon such terms and conditions as shall be contained in the policy of insurance, and to allow themselves to be reinsured when deemed expedient.

*And be it enacted,* That the board of directors may appoint a secretary, and treasurer, and such other officers and agents as may be requisite for effecting the business of the company, and allow them such compensation as may be determined upon.

*And be it enacted,* That all policies of insurance or contracts authorized by this act, may be made with or without the seal of said company, and shall be subscribed by

May call in amount subscribed under penalty of forfeiture.

Principal office.

May make insurances, &c.

Officers.

Policies and contracts binding on company.



the president, and attested by the secretary, signed, executed and attested, shall be binding on the corporation, and all such policies and contracts made, signed and executed and attested by the board of directors.

Actions at law.

12. *And be it enacted*, That any person insured by said corporation, may maintain an action against the same for losses or damages due from said corporation if payment is withheld ninety days after the amount, and due payment shall have been ascertained and made, and therefor; *provided*, that in case of the loss of property by fire; if the directors agree to indemnify the property lost or damaged, in such case no action shall be allowed them.

Proviso.

May have and hold real estate.

13. *And be it enacted*, That it shall and lawfully may be in the power of the said company to purchase, hold and convey real or personal, for the use of said corporation, that such estate be only such as is necessary for the transaction of the business of said corporation; shall be taken as security for or in payment of any debt or on purchase on sales made under a mortgage or done in equity, or on any other legal process, and that received and taken, being payment or towards satisfaction of any debt contracted and due to said company; which power said company is hereby authorized to have and lawfully may exercise; and the said company are authorized to conveniently sell, or convert the same into money, or personal estate; and the said company are authorized and empowered to invest the capital stock and surplus profits of the said company as they may see fit in such manner as the said directors may determine; and shall be loaned on real estate, unless the directors shall otherwise order in this state.

Proviso.

Assignment of policies, how made.

14. *And be it enacted*, That if any person insured by said corporation, shall convey or assign the policy of insurance; it shall be lawful for such person to assign the policy of insurance; but this corporation shall not be bound by any policy after assignment, unless the same shall have been recorded in the books of the corporation, and the same certified on such policy by the authorized agents of the company.

15. *And be it enacted*, That this act

l, modified or repealed by the legislature, at any Act may be repealed.  
 eafter, and that it shall take effect immediately.  
 ved March 26, 1872.

### CHAPTER CCCLXXXIII.

to incorporate the Hudson and Hackensack River  
 Horse Railroad Company of Jersey City.

IT ENACTED *by the Senate and General Assembly of  
 e of New Jersey*, That John R. Mullany, J. B. Cleve- Corporators.  
 S. Cloke, C. P. Radcliff, G. P. Sumner, James H.  
 ohn S. Harrison, James H. Whitecar, M. D. Conklin,  
 oykendall, Thomas J. Hannan, and such other per-  
 may be hereafter associated with them, their succes-  
 assigns be, and they are hereby created a body cor-  
 nd politic in fact and in name, by the name of "The  
 and Hackensack River Horse Railroad Company of Name.  
 City," and shall be capable of purchasing, holding  
 veying lands, tenements, goods and chattels whatso-  
 essary and expedient for the object of their incorpo-

*and be it enacted*, That the amount of capital stock Amount of capital stock.  
 company shall be three hundred thousand dollars,  
 l be divided into shares of one hundred dollars each,  
 shall be deemed personal property and transferable in  
 nner as the said company shall by their by-laws

*and be it enacted*, That the above named persons or a Commission-  
 ers to receive  
 subscriptions.  
 of them, be commissioners to open books to receive  
 tions to the capital stock of said company, at such  
 times, and place or places, as they, or a majority of  
 ay think proper, giving at least twenty days' notice  
 ame in some newspaper published in Jersey City;  
 he time of subscribing ten per centum shall be paid  
 share subscribed for to the commissioners, and as  
 twenty-five thousand dollars of said capital stock



Election of directors.

shall be subscribed, such commissioners of a meeting of the stockholders to choose a majority of whom shall be resident in the city. The election shall be made at such time and place as the stockholders as shall attend for that purpose shall determine, by proxy, each share of the capital stock shall be entitled to one vote; and the same commissioners chosen, shall be inspectors of said election. They shall in writing the names of the persons duly qualified to be directors, in the same and the subscription books to be kept for that purpose, and the time and place of holding the election. The directors shall be fixed by the persons chosen, or a majority of them, and the time of such meeting, and those chosen annually shall meet in the month of June as may be fixed by the stockholders. They shall as soon as may be after every election choose from their number a president, and in case of resignation, death or inability to act, to fill the vacancy. In case of failure to elect directors at the time appointed, an election shall be made, and the said corporation shall nevertheless continue for that reason, but such election may be held at any time, and directors for the time being shall have the power to choose their successors shall have been chosen.

Vacancies, how filled.

Powers of directors.

4. *And be it enacted*, That a majority of the directors shall be a quorum for the transaction of business, and they shall have power to call in the capital stock in such manner as they may deem best; to receive and pay the payment of any installment at the time when the share or shares upon which such dividend is due, and all previous payments thereon, to the stockholders, and to make such by-laws and regulations as they may appear needful and proper for the management of the stock and property of said corporation, and to employ such officers and servants as they shall think proper, and to fix such salaries thereto as they shall think proper.

Authorized to construct railroad.

5. *And be it enacted*, That the president and directors, and they are hereby authorized and empowered to exercise all the rights and powers necessary, and expedient for the purpose, and to construct a railroad from the Central Railroad of New Jersey City, through Washington street to the line of Montgomery street, and up to the Hackensack river, and westerly to the Hackensack river, and

company's depot in Jersey City, up Pavonia avenue  
 side avenue, whenever said Pavonia avenue shall be  
 said West Side avenue, and thence southerly along  
 Side avenue, to West Bergen; and the said com-  
 l designate their said map on a suitable map, and  
 me in the office of the clerk of the county of Hud-  
 e the construction of their road; and that when  
 road is built, it shall be subject to the regulations of  
 authorities; *provided*, that in constructing said rail- Proviso.  
 branches, the work shall be done under the inspec-  
 committee on streets or board of public works or  
 er officers of said city, and shall not unnecessarily in-  
 e public travel during the progress of the work, and  
 ore the streets to their former condition without un-  
 e delay; *and provided further*, that horse power Proviso.  
 her shall be used in running the cars or carriages.

*be it enacted*, That the track shall be laid flush Track to con-  
form to grade  
of street.  
 surface of the street, and conform to the grade of  
 as it now is and as it shall be from time to time  
 d or altered, and shall keep the surface of the street  
 the rails in good and proper order and repair.

*be it enacted*, That said company shall make such Rates for  
transportation  
 regulations as to the price for carriage of passengers,  
 and merchandise, on said road, as the president and  
 directors may direct; but the price for each pas-  
 shall not exceed the sum of five cents for one mile, or  
 on of a mile, and after that rate for all distance

*be it enacted*, That the said company may purchase May hold real  
estate.  
 hold real estate at the termini of their road, and at  
 mediate depots or stations on the line of the same,  
 ding one acre at each place, and may erect build-  
 on, and improve the same, as they may deem ex-  
 and for the purpose of constructing said road and  
 the same, and the purchase and improving of the  
 necessary for their business, said company may  
 r bonds to an amount not exceeding two hundred  
 d secure the same by mortgage on their said pro-  
 franchise.

*be it enacted*, That the president and board of Dividenda.  
 of said company shall declare and make such divi-  
 they may deem prudent from time to time out of  
 profits of said road; and said company may make

- contracts with and connect with other he  
city ; and they may lease their road to  
city ; and they may lease their road to  
*provided*, they obtain the consent of all  
this company, and in like manner may  
constructed, or any part thereof, to any  
10. *And be it enacted*, That when so  
completed as to make it a public conveyance  
pany may commence running cars for  
passengers, enjoying all the privileges and  
strictions created by this act.
11. *And be it enacted*, That if said  
commenced within three years after the  
and finished within three years, this act  
12. *And be it enacted*, That if any per  
jure, impair, destroy, or obstruct the use  
any of the necessary works, carriages,  
mentioned, such person or persons so offend  
and pay to said company the sum of one  
be by them recovered in any court having  
action of debt ; and further, shall be liable  
13. *And be it enacted*, That this act  
take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLXX

### An Act to incorporate the Cranford C

1. BE IT ENACTED *by the Senate and*  
*the State of New Jersey*, That Alden  
Cahill, Nathaniel G. Foster, Stephen J.  
George O. Totten, Augustus C. Kellogg  
eridge and Moses T. Crane, and all and  
sons who may become stockholders in the  
inafter mentioned, their successors and  
constituted and made a body politic and  
in law, by the name of "The Cranford C

by the said name the said corporation shall have power and be sued, plead and be impleaded, contract and be cted with, and to make, manufacture and sell illumigas, to be made from coal or other materials, for the e of lighting the streets, buildings, manufactories and grounds, situate in the township of Cranford, and in her townships contiguous thereto, in the county of ; and under and by the aforesaid corporate name and the said corporation shall have perpetual succession, shall have power and authority to enter into and execute nd all proper contracts, agreements, understandings, takings and covenants, for the furtherance of the objects ich the said corporation is created, with power and right orce the same in all proper ways and manner under the f this state; and shall be capable of purchasing, taking olding any estate, real or personal, necessary to give to the specified purpose of this corporation, for the acodation of their business and concerns, or which it may be ary for the said corporation to acquire and hold for the se of securing debts which have become due to them in gular business of the said corporation; and also to hold nd all patents and patent rights necessary and proper e purpose of carrying out the object and intent for which orporation is created, and for the accommodation of its ss concerns.

*And be it enacted,* That the said corporation shall be and eby empowered and authorized to enter upon and make nd all necessary and proper excavations for the purpose ing down, and to lay down all necessary and proper gas nd conductors, and to erect all necessary and proper burners, lights and reflectors, in any and all of the s, lanes, alleys, avenues, roads, highways and public ds in the said township of Cranford, and the other town- contiguous thereto in said county of Union, and to do ings necessary and proper to be done for the purpose of ng the same, and the dwellings, stores and other build- nd places in said township of Cranford, and other town- contiguous thereto, in said county of Union; *provided,* he public travel shall at no time be unreasonably and ecessarily obstructed or impeded thereby, nor shall the streets, lanes, alleys, avenues, roads, highways and e grounds be permanently injured by the same, but the corporation shall put and leave such streets, lanes, alleys,

May enter  
upon all lands  
and lay gas  
pipes, &c.

Provido.





a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide.

*And be it enacted,* That in case it should happen that election of directors shall not be made on the day when appointed to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but said corporation may be held at any other time, and the directors for the time being shall continue to hold their office until others have been chosen in their places.

*And be it enacted,* That a majority of the directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments, and at such times as they may direct, and in case of non-payment of such installments, or any one of them, to forfeit the share or shares upon which default shall arise, and to make and promulgate such by-laws, rules and regulations as to them shall appear needful, touching the management and regulation of the stock, property, estate and effects of said corporation; and also shall have power to elect or appoint as many officers, clerks, attendants, agents, clerks and servants as to them shall appear meet, and to establish and fix such salaries to them, and to the president, as to the board shall appear proper; and shall have full power and authority, from time to time, to open the books for further subscriptions until the whole capital stock is taken.

*And be it enacted,* That if any person or persons shall wilfully injure any conduit, pipe, gasometer, or any other appertaining to the works of the company or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding three hundred dollars, or imprisonment not exceeding two years, or both; *provided*, no criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

*And be it enacted,* That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary or expedient in the conduct of its business, and to mortgage their property and franchises, or otherwise to secure the payment thereof, and to execute all necessary securities therefor, with interest thereon, not exceeding seven per centum per annum; and it shall be lawful for the said company, and they are hereby authorized to

Failure to  
elect directors  
not to dissolve

Installments,  
how paid.

Officers.

Penalty for  
injuring  
works.

Proviso.

May borrow  
money and is-  
sue bonds.

sell and dispose of any bonds, obligations or they may issue to secure the payment of rowed as aforesaid, to any person or persons at any rate of price they may be able to the same, without the same being in and thereby, or any person or persons, or corble to any penalty or forfeiture therefor.

9. *And be it enacted*, That this act shall immediately.

Approved March 26, 1872.

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## CHAPTER CCCLXXX

Supplement to an act entitled "An Act North Hudson County Ferry Company seventeenth, eighteen hundred and seven

1. BE IT ENACTED *by the Senate and G*  
*the State of New Jersey*, That the time l  
 said ferry shall be established by the tent  
 to which this is a supplement, be and the  
 tended to the fourth day of July, one thou  
 and seventy-five.

Time extend-  
ed.

2. *And be it enacted*, That this act shall immediately.

Approved March 26, 1872.



## CHAPTER CCCLXXXVII.

Act to incorporate the Telford Pavement Company of Paterson.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Beaumont, Harmon Hock-  
 ry, Joseph R. Baldwin, Albert A. Van Voorhies and  
 les Hemingway, and such other persons as may become  
 iated with them, and their successors, are hereby created  
 y politic and corporate, in fact and in law, under and  
 e name of "The Telford Pavement Company of Pater-  
 and by that name shall be capable of purchasing,  
 ring, holding, using, conveying and disposing of all  
 real and personal estate as may be necessary for carry-  
 out the objects of the incorporation, or which may be  
 erred to them for the payment of any debt; and that  
 principal office shall be located at the city of Paterson,  
 e county of Passaic.

*And be it enacted*, That said company shall be autho-  
 to carry on the business of grading and draining lands,  
 of sewerage, curbing and flagging streets and roads, and  
 paving or macadamizing streets and roads with stone,  
 rete and other materials; to enter into and make con-  
 s for such grading, draining, sewerage, curbing, flagging,  
 ng and macadamizing; to manufacture, purchase and lay  
 nt and other pavements; to buy, use or sell patents or  
 nt rights for any process or processes connected there-  
 ; and to transact all business in relation thereto.

*And be it enacted*, That the capital stock of said com-  
 shall be one hundred thousand dollars, with the privilege  
 ecreasing the same to two hundred thousand dollars,  
 ed into shares of one hundred dollars each, which stock  
 e be personal property, and shall be transferable only  
 the books of the company, in accordance with its by-  
 ; and that said company may organize for the transac-  
 of business as soon as ten thousand dollars of said stock  
 have been subscribed and paid in.

*And be it enacted*, That the affairs of said company

Directors to  
manage af-  
fairs.

shall be conducted by not less than three directors, who shall be stockholders, and of shall constitute a quorum; that the first shall be elected by the stockholders, and votes, as soon as may be after the said sum dollars of capital stock shall have been paid, on the second Monday in January in accordance with the by-laws; but that said not abate because of any failure to elect aforesaid; and that any vacancy may be made up by the board for the unexpired term.

Vacancies,  
how filled.

May receive  
property in  
lieu of cash  
subscriptions.

5. *And be it enacted*, That the said directors have power to take in behalf of the company, any property for the purposes of said company, at a value upon, and in lieu of cash subscriptions; books of subscription, from time to time, capital stock shall be taken, and to require subscriptions to said capital stock, by installment such forfeiture or forfeitures as they may determine.

May make by-  
laws.

6. *And be it enacted*, That the said directors may alter and repeal all such by-laws, and may remove all such officers or agents as they may deem necessary for carrying out the objects of the company, *provided*, that such by-laws shall not conflict with the laws of this state.

Proviso.

Dividends.

7. *And be it enacted*, That the said directors may have power to declare and pay dividends from the earnings or profits of said business.

Limitation.

8. *And be it enacted*, That this law shall remain in force for thirty years from the time of its passage, and shall take effect immediately.

Approved March 26, 1872.

## CHAPTER CCCLXXXIX.

her Supplement to an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," passed March twenty-ninth, eighteen hundred and sixty-

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey West Line Railroad Company are hereby authorized and empowered to construct, hold and use a line of electric telegraph, with the appurtenances over the line of their railroad or railroads, and thence they can make a connection or connections with a line now built or hereafter to be built, and to take any compensation for the transmission of messages; and that any person who shall unlawfully and intentionally molest or destroy any of the lines, posts, conductors, or other property belonging to the said company in this state, shall on conviction thereof be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, or imprisoned within the county jail not more than one year, or both, at the discretion of the court to which the conviction shall be had.

And be it enacted, That so much of the fourth section of an act entitled "A Supplement to an act entitled 'An Act to charter the Passaic Valley and Peapack Railroad Company,' approved March twenty-ninth, eighteen hundred and sixty-five, which act was approved February twenty-eight, eighteen hundred and seventy-two, as requires the said fourth section mentioned, to be constructed with stone piers, not less than one hundred and fifty feet in centre to centre, and said piers to be not less than ten feet above high water mark; and also the proviso at the end of said fourth section, relating to the crossing of streets in Newark or Jersey City be, and the same are hereby repealed; except so far as said proviso relates to the streets known as Broad street, Frelinghuysen street and Pennsylvania avenue, in the city of Newark, with

Power to construct, hold and use a line of telegraph, &c.

Penalty for injuring works.

Repealer.



Where road  
crosses any  
street the  
same to be  
done under  
direction of  
council.

Proviso.

the main line of said company; and where s  
cross any street or avenue in the city of New  
grade of said street or avenue, the same sha  
the supervision or direction of the common  
city; but nothing herein or in said proviso  
prevent said company from connecting their  
line of the New Jersey Railroad and Transport  
at grade; *provided however*, that if the said  
cross the Passaic river, the bridge across said  
constructed with iron or stone piers for the dra  
permanent spans each one hundred feet wide i  
on each side of the draw, the abutments of t  
ten feet above high water mark, and the pier  
the current; and if said railroad shall cross  
then a like draw and openings shall be cons  
west channel in said bay; and if the said ro  
the Hackensack river, the bridge across said  
made with draw and openings of no less width  
and openings of all or either of the other ra  
across said river; and if the said road shall  
bay, the bridge across said bay shall contain  
channel the same width of draw and openings.  
quired to be used by the Newark and New  
across said Newark bay, and shall in all ca  
structed and placed that it will in nowise in  
obstruct the channel; and if the said railroad  
make an open cut through Bergen Hill, the  
shall be and hereby are required to construe  
suitable bridges across said open cut for all st  
or that may hereafter be made; and if the  
cross Montgomery street in Jersey City, it  
street at such heighth above said street as sha  
with the free and unobstructed use of said st

3. *And be it enacted*, That this act shall ta  
diately.

Approved March 27, 1872.

## CHAPTER CCCXCIII.

Further Supplement to "An Act to incorporate the city of Bridgeton," approved March twenty-ninth, eighteen hundred and sixty-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act to <sup>Terms of office</sup> amend this is a supplement be so amended that the terms of office of the city treasurer and the school superintendent, respectively, hereafter to be elected, shall be three years instead of one year.

*And be it enacted*, That all acts or parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

*And be it enacted*, That this act shall be deemed a supplement to the act, and shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCXCIV.

Act to confirm the proofs and acknowledgments of deeds and other writings taken by M. L. Keefe, late a commissioner of deeds, in and for the county of Morris.

WHEREAS, it is represented that Michael L. Keefe was appointed a commissioner for the township of Boonton, in the county of Morris, of this state, to take the acknowledgment and proof of deeds for the said county; and whereas, at the time of his appointment or thereafter, Michael L. Keefe did not reside in the township of Boonton; and whereas, he, while not a resident of said township, and under a misapprehension of the law, did perform official

Preamble.

acts as such commissioner; therefore doubts as to the legality of the official act of L. Keefe,

Official acts confirmed and made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the official acts, records, knowledgments and proofs of deeds and other writings done or taken by the said Michael Keefe, Commissioner as aforesaid, under and by virtue of his appointment for that purpose, bearing date the first day of January, one thousand eight hundred and sixty-nine, are hereby confirmed and declared, and the same shall be deemed and declared as valid and effectual as if the said Michael Keefe, at the time of his said appointment, had resided in the town of Dover as aforesaid.

2. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect from and after its passage.  
Approved March 27, 1872.

## CHAPTER CCCXCV.

An Act to divide Deerfield township, in the county of Cumberland, into four road districts, and for the raising of money, and for the election of officers, in and for the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the road districts of Deerfield, in the county of Cumberland, shall hereafter be divided and numbered, shall hereafter be designated as the first, second, third and fourth road districts of said township; and that hereafter the overseers of the roads of each of the said road districts in said township shall be elected viva voce by a majority of the legal voters of each of the said road districts, to be elected for that purpose, as hereinafter provided.

Elections, where held and time of.

2. *And be it enacted*, That such elections shall be held in each road district on the first day of January, in each year.

ing the annual town meeting, between the hours of two  
 ur o'clock in the afternoon, and the place of holding  
 election, for the first district, shall be at Park's hotel,  
 eld street; for the second district, at Cedar Grove  
 for the third district, at Friendship school house, and  
 e fourth district, at Rosenhayn, and thereafter such  
 ns shall be held annually in said districts, on Saturday  
 receding the annual town meeting, between the hours  
 and four o'clock in the afternoon, at such place as shall  
 een appointed by said legal voters at the last election;  
 they shall neglect or omit to appoint a place, then such  
 n shall be held at the place at which such election was  
 ld; and in all cases eight days' notice of such election  
 e given by the overseer of each district, by advertise-  
 signed by himself and put up at two of the most public  
 in the district, making known the time and place.

*And be it enacted*, That a majority of the legal voters Legal voters  
to determine  
amount of  
money to be  
raised.  
 t and voting at any such election are authorized and  
 ed to determine the amount of money which shall be  
 and expended in their district for road purposes during  
 ar, and such sums of money as shall be so agreed upon,  
 e assessed and collected at the same time, and in the  
 manner as other moneys are assessed and collected for  
 ownship purposes; and there shall be, also, elected at  
 me time and place that the overseer is chosen, and the  
 t of road money determined upon, a treasurer for each Treasurer.  
 istrict, who shall receive from the collector of the town-  
 e amount of money raised for road purposes in the dis-  
 or which he shall be treasurer; and who shall give se-  
 to the township for the faithful performance of his  
 n double the amount of money ordered to be raised by  
 trict; and whose duty it shall be to disburse the moneys  
 said district upon the order of the overseer of the high-  
 of the same.

*And be it enacted*, That it shall be the duty of the pre- Certificate of  
result of elec-  
tion to be filed  
 and secretary of the said annual meetings held for the  
 n of overseers, and for determining the amounts of  
 to be raised in the said districts, to make a certificate  
 results of such election, stating who was duly elected  
 er and treasurer of the district, the amount of money  
 to be raised for road purposes, and the place appointed  
 iding the next election, which certificate, signed by the  
 ent and secretary of said meeting, shall, on or before the



day of the following town meeting, be filed in the township, to be by him recorded.

Repealer.

5. *And be it enacted*, That all acts in conflict with the provisions of this act be, hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1872.

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## CHAPTER CCCXCV

An Act to prevent cattle from running at large in the township of Hardyston, in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Sussex," approved March fourth, eighteen hundred and seventy, so far as said act relates to cattle, be and the same be extended to the township of Hardyston, in the county of Sussex; *provided*, that it does not include the land in said township of Hardyston, known as the Snufftown mountains, and lands adjacent to the same.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCXCVII.

to restore and improve the navigation of Newton  
and to enable the owners and possessors of meadows  
and creek, to improve the same.

AS, by virtue of, and licensed by, an act entitled "An <sup>Preamble.</sup>  
enable the owners and possessors of meadow and marsh  
on Newton creek, in the county of Gloucester, to  
and maintain a bank dam and necessary waterworks  
op the tide out of said creek, and keep the water  
e thereof open and clear," passed November twen-  
one thousand seven hundred and eighty six, and a  
ement thereto, approved April sixth, one thousand  
hundred and sixty-seven, the said creek was stopped  
its mouth, and the natural flux and reflux of the tides  
in were hindered and destroyed; and whereas, the  
meadows have not only deteriorated in character, and  
ne comparatively valueless in consequence of the lack  
efficient drainage, but also the waters have become  
ant, and the said meadows a nuisance highly injurious  
e surrounding country; and whereas, it is represented  
said owners desire, under the authority of the legisla-  
to restore the flux and reflux of the tides in said  
, as well as to improve their said meadows, as also to  
re its navigation; therefore,  
E IT ENACTED *by the Senate and General Assembly of*  
*the State of New Jersey,* That with the consent, in writing,  
majority of the owners and possessors of the meadow and  
lying on said Newton creek and its branches, said  
creek as far as the Camden and Blackwoodtown turn-  
hereby declared to be a public highway, and the  
f managers chosen at the last annual meeting of said  
and possessors who, for the time being, may be such  
rs, are hereby in such case authorized and required  
ve the said dam and waterworks, at the mouth of said  
and to restore the navigation thereof, on or after the  
y of September next, ensuing the passage of this act.

<sup>Creek and  
branches to  
be declared a  
public high-  
way when the  
owners con-  
sent.</sup>

<sup>Dam to be re-  
moved.</sup>





for said treasurer to charge, receive and collect, in  
to the amount of such assessment, interest thereon,  
computed at the rate of twelve per centum per annum  
the date of the expiration of said thirty days.  
*and be it enacted*, That the words "and may include Amendment.  
and expenses theretofore incurred, and the prosecu-  
said writs of certiorari or otherwise" be inserted in the  
ne of the third section immediately after the word  
rari" as the same appears in said section.  
*and be it enacted*, That all acts or parts of acts incon- Repealer.  
with this act be and the same are hereby repealed.  
*and be it enacted*, That this act shall be taken and  
to be a public act, and shall take effect immediately.  
oved March 27, 1872.

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## CHAPTER CCCXCIX.

er Supplement to an act entitled "An Act to autho-  
the Mayor and Common Council of the city of Newark  
urchase the property of the Newark Aqueduct Com-  
and creating the Newark Aqueduct Board."

as, The Newark Aqueduct Board are expending large Preamble.  
of money in erecting suitable works for supplying  
hole of said city with water, during the construction  
ich the water rents are insufficient to pay the interest  
said expenditures; and whereas, buildings into which  
ater has not been introduced receive great benefit  
rom for fire purposes, without bearing any share of  
xpenses, as do also vacant lots, in the enhanced value  
f, by reason of the water pipes being laid in front  
e same; therefore,

IT ENACTED *by the Senate and General Assembly of the*  
*New Jersey*, That it shall be the duty of the Newark Aqueduct  
board to file  
statement of  
streets where  
in pipes are  
laid.  
et Board, on or before the first day of March in each  
prepare and file in the office of the board of assess  
d revision of taxes in the city of Newark, a correct

Water pipe  
district tax.

Collection.

Tax raised,  
how applied.

Water rents to  
remain a lien  
on real estate.

Acts not to  
apply.

statement of the streets, avenues, and  
thereof in said city in which the water pi  
board are laid, and through which they a  
water to consumers, which shall be know  
district;" and it shall thereupon be the c  
assessment and revision of taxes, in each  
each lineal foot front, or portion thereof  
side of each of said streets, avenues an  
district: (except lands owned by said cit  
exempt from taxes and assessment), a ta  
cents per lineal foot front, as afores  
assessed in the name of the respective o  
or if the ownership is not known by s  
ment, then in the name of owners unkn  
designated in said assessment "the water  
all the proceedings in relation to the col  
and of the arrears thereof, shall be the  
lation to the other city taxes; the city t  
his account of the same separately from  
and shall pay over the same to the sai  
fast as he shall collect or receive the san

2. *And be it enacted*, That the amount  
ceived by said aqueduct board, shall be  
the payment of the interest upon the  
which may have been from to time issued  
the net revenue from the said water wor  
to pay said interest, and thereafter the  
tax shall be paid into the sinking fund  
said board for the redemption of said bo  
3. *And be it enacted*, That the amount  
by said board for the use or rents of w  
be furnished by them in or upon any  
premises, shall be a lien upon the rea  
which the same is furnished, which bei  
aqueduct board to the common council o  
by them enforced and collected in the  
respects, as arrears of taxes upon real e  
and when the same shall be so collect  
council, they shall pay the amount ther  
board.

4. *And be it enacted*, That none of the  
tions, or conditions in the thirty-fifth or  
of the act entitled "An Act to revise an



ity of Newark," approved March eleventh, one thousand eight hundred and fifty-seven, shall be held to be applied to or in anywise affect this act.

*And be it enacted,* That this act shall take effect immediately.

passed March 27, 1872.

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## CHAPTER CCCC.

her Supplement to an act entitled, "An Act to authorize the inhabitants of School District Number One, in the township of Plainfield, in the county of Union, to raise money to build school houses," approved March ninth, one thousand eight hundred and forty-eight.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the boundaries and limits of Boundaries. school district number one, in the township of Plainfield, shall be held to and include the present boundaries and limits of the township of Plainfield or such as may be hereafter established.

*And be it enacted,* That the number of trustees for said Trustees, increase of. district shall be increased from three to five, who shall hold office for five years, or until successors shall be elected, and shall constitute the board of education of the city of Plainfield.

*And be it enacted,* That the election of trustees for Election of trustees. school district shall be held at the time and place of the regular election for city officers, and in the manner provided for, at which time one trustee shall be elected annually for five years, or until a successor shall have been elected, excepting that at the first regular city election after the passage of this act, three trustees shall be elected who shall decide by lot; at the first meeting of the board there shall be one trustee of those elected to hold office for five years, one for four years, and one for three years, and the terms of the trustees holding over terminating on the second Monday

of April are hereby extended to the time of at which their successors shall be elected.

Annual report when to be made and published.

4. *And be it enacted*, That the annual report now required to be made and published in March shall be made and published in the month of each and every year, and shall contain a detailed statement of the receipts and expenses of the year beginning on the first day of September, and such statistical and other information as may be proper.

Board of education to determine the amount of tax to be raised for schools.

5. *And be it enacted*, That the board of education determine annually what amount of tax shall be levied for school purposes, not to exceed one-half of one per cent of the taxable valuation of the district including the land for that year, a requisition for which amount shall be presented to the president and secretary of the board shall be presented three weeks previous to the time of assessing the taxes, a copy of which shall also be sent to the assessor of the city, whose duty it shall be to assess the amount so required at the same time and in connection with the city taxes, and it shall be their duty in respects to perform the duties heretofore performed by the collector and assessor of Plainfield township, and all acts and parts of acts in force in relation to the same, number one, Plainfield.

Trustees not to receive salary.

6. *And be it enacted*, That it shall not be lawful for any trustees, or either of them, to receive any compensation, directly or indirectly, from the city for the services as trustees or otherwise, performed by them for which they were elected, or for any part of the same.

Repealer.

7. *And be it enacted*, That all acts and parts of acts in relation to school district number one, in the city of Plainfield, provisions of this act are hereby repealed.

8. *And be it enacted*, That this act shall be taken to be a public act, and shall take effect from and after its passage.

Approved March 27, 1872.

## CHAPTER CCCC.

ment to an act entitled "An Act to incorporate the  
ual Agricultural Association of the counties of Union  
Middlesex," approved February fourteenth, eighteen  
dred and seventy-one.

BE IT ENACTED *by the Senate and General Assembly of*

*ute of New Jersey,* That the board of directors of the  
association shall have power to assess upon each member  
not exceeding twenty five dollars per annum upon each  
of stock owned by him; and if any assessments shall  
paid at such time as the board of directors may direct,  
privileges of membership of the non-paying members,  
the right of transferring their stock shall be suspended  
such assessments shall be paid; and if any assessment  
ssments shall not be paid within six months after such  
nent or assessments shall become due, then the share  
res of stock upon which said assessment shall remain  
d unpaid may be forfeited by the board of directors,  
id at public auction for the benefit of the association;  
ny excess of net proceeds arising from said sale,  
e paid to such person, his heirs or assigns, on whose  
t the share has been sold; *provided*, that at least sixty  
notice shall be given of an assessment being payable,  
least sixty days' notice to the non-paying member,  
rs or assigns, before any sale shall be made under a  
are, and the said board of directors shall also have the  
to make such further assessments upon the shares of  
of said association as may be necessary to pay and  
ge the present indebtedness of the association, subject  
same conditions and penalties as are above expressed  
tion to the annual assessment of members.

*And be it enacted,* That the said association shall have  
ver to sell and convey the whole or any portion of the  
state owned by them; *provided*, the consent of the  
rs representing a majority of the shares shall be first  
d obtained, and such consent be recorded in the minutes  
association at any regular or special meeting called

Directors may  
make assess-  
ment on mem-  
bers.

Failure to pay  
assessments,  
stock may be  
forfeited.

Proviso.

May sell real  
estate.

Proviso.



according to the rules or by-laws of said that at such meeting members may vote by

Repealer.

3. *And be it enacted*, That section eleven which this is a supplement, be and the same be repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCLII.

An Act enabling the Trustees of the Third Presbyterian Congregation in Newark to sell land.

Preamble.

WHEREAS, Alexander C. McWhorter and his wife, Josiah B. Howell and Mary his wife, Alexander Whorter and Margaret his wife, Julia Adriana McWhorter, by their certain deed of the twenty-second day of June, one thousand eight hundred and twenty-four, and recorded in the county of Essex, in book G two of deeds, at number one hundred and forty-six, six hundred and forty-eight, did for a good consideration convey unto "The Trustees of the Third Presbyterian Congregation in Newark," and forever, a certain tract or parcel of land situated in the city (now city) of Newark, and in the said deed described and set forth; and whereas, the said land has been used and occupied by the said Congregation as a burial ground, and burial lots have been sold by the same to various persons, but the same have ceased to be used or opened for the purpose for which it is now neglected and unused by the owners thereof,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and lawfully may be the duty of the said trustees of the Third Presbyterian

rk to purchase other lands in some suitable location for <sup>Trustees may</sup> purposes or sufficient burial lots in some cemetery <sup>purchase</sup> ly laid out and established in the vicinity of the city of <sup>other land for</sup> rk, and at their own proper cost and charges remove <sup>burial pur-</sup> e-inter the remains of the bodies now interred and buried <sup>poses.</sup> above mentioned land, heretofore used as a burying d as aforesaid, and also to remove all tombstones and ments erected over the graves of remains in said bury- ound, and set the same up in a substantial and proper er over the graves of the bodies so removed and re- ed.

*And be it enacted,* That upon the removal of the bodies, <sup>May sell land.</sup> tones and monuments from the said land by the said es, as above provided, it shall be lawful for the said Trustees of the Third Presbyterian Congregation in rk," and they are hereby authorized and empowered to nd convey the whole or part of the said tract of land remises in fee simple or otherwise as may to them seem r and desirable, free and clear and absolutely discharged d from all trusts whatsoever, and to execute and deliver r purchaser or purchasers thereof good and sufficient r deeds therefor, to be executed and proved in the er that deeds of corporations are now made and proved w, which deeds shall convey to and vest in the purchaser chasers a good and valid title to and for the said lands veeyed.

*And be it enacted,* That the said "The Trustees of the <sup>Trustees to</sup> Presbyterian Congregation in Newark," shall pay and <sup>refund pur-</sup> d to such person or persons as may have purchased lots <sup>chase money.</sup> e said tract of land heretofore used as a burial ground, hat have or shall remove the bodies buried therein at own individual cost and charges, or that may have pur- d lots and not used the same for burial purposes, the nt of the purchase money paid for said lots, without in- ; <sup>Proviso.</sup> provided, the same be demanded within five years the passage of this act; and the remainder of the pur- money received for the land so sold shall and may be ed to and for such purposes as the said "The Trustees e Third Presbyterian Congregation in Newark" may

*And be it enacted,* That this act shall take effect imme- y- proved March 27, 1872.

## CHAPTER CCCCIII.

## A Further Supplement to "An Act to incorporate the New Jersey Midland Railway Company"

Preambles

WHEREAS, the New Jersey Midland Railway Company has provided for the issue of their first mortgage bonds of several denominations of one hundred dollars, and one thousand dollars, to the aggregate of three millions of dollars; and it is deemed desirable to issue a larger proportion of said bonds of the denomination of one thousand dollars, and a smaller proportion of said bonds of the denomination of one hundred dollars than is provided in said mortgage; that

Trustees authorized to cancel bonds

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the trustees of said New Jersey Midland Railway Company be and they are hereby authorized and empowered to cancel any and all of said bonds of the said denomination of one hundred dollars, and, thereupon, it shall be the duty of said company to issue, under said mortgage, in lieu of the bonds so cancelled by said trustees, a new series of said first mortgage bonds of the denomination of one thousand dollars; said additional series shall consist of fifty of said bonds, which shall be countersigned by said trustees, and, thereupon, shall be held and deemed to be secured by said mortgage in the same manner as if said fifty-five bonds had originally been issued under the lien of said mortgage; but nothing in this act shall be construed to allow of the issue, by said company or its trustees, of a larger amount of said bonds than the sum of three millions of dollars.

May issue bonds

2. And be it enacted, That this act shall take effect from and after its passage, and shall be deemed and considered a public law.

Approved March 27, 1872.



## CHAPTER CCCCIV.

Act to incorporate the trustees of Saint Stephen's School.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That Edward S. Renwick, Albert <sup>Corporators.</sup> Whittingham, George W. Campbell, and Edward S. Hidden, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Trustees of Saint Stephen's School;" and <sup>Name and powers.</sup> that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, and may purchase and hold property, whether acquired by purchase, gift or deed, and whether real, personal or mixed; and may make and have a corporate seal, and the same alter at their pleasure; and shall have all other rights belonging to similar corporations by the law of this state.

*And be it enacted,* That the object of said association <sup>Object.</sup> be declared to be the education of youth of both

*And be it enacted,* That the entire management of the <sup>Trustees.</sup> and concerns of the said corporation, and all the corporate powers hereby granted, shall be and hereby are vested in a board of eight trustees, who shall be residents of this state, and a majority of the trustees shall constitute the necessary quorum for the transaction of business; the rector of Saint Stephen's Protestant Episcopal Church, at Millburn, New Jersey, and the two church wardens of the said church, shall be trustees, ex-officio; they and the persons named in the next section of this act, shall be the first trustees.

*And be it enacted,* That the trustees shall have power <sup>Powers of trustees.</sup> from time to time to enact by-laws not repugnant to the constitution or laws of the United States or of this state, or to any act, for the regulation and management of the said corporation or school, to fill all vacancies in the board, and to prescribe the number and description, the duties and powers of the officers, the manner of their appointment, and the term of their office; and special meetings of the said trustees may

be called at such times and at such place as a majority of them shall hereafter from time to time determine.

May purchase  
and hold real  
estate.

5. *And be it enacted*, That for the purpose of carrying out the object declared in the second section of this act, said corporation shall have power from time to time to purchase, take and hold real and personal property, to lease and dispose of the same; *provided*, that the sum shall not exceed the sum of twenty thousand dollars.

Proviso.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCC.

An Act to incorporate the Benevolent Society of Fort Lee, Bergen County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That E. W. Snyder, Herman Heineker, Jacob Debacker, George Neizer, Farley Heft, Leopold Bigler, Joseph and their successors and associates be, and they are hereby declared a body corporate and politic by the name of "The Benevolent Society of Fort Lee, Bergen County," and, also, to have seal, and use and change the same at pleasure.

Names.

Object.

2. *And be it enacted*, That the object of this association shall be to create and establish a fund for the relief and assistance of such of its members as by sickness, casualty or other cause be rendered unable to attend to their usual occupation or call, and to furnish for them either partial or entire support, in their necessities, and for the purposes of mutual aid and advantage.

3. *And be it enacted*, That this association

ty to hold real estate to an amount not exceeding five May hold real and personal estate.  
and dollars.

*And be it enacted*, That the management and disposal of the affairs and property of said association shall be Affairs, how managed.  
in such officers, to be elected at such time and in such  
manner as the said association shall by its laws provide ;  
*And*, such by-laws shall not conflict with the constitution Proviso.  
laws of this state, or of the United States.

*And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

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## CHAPTER CCCCVI.

Supplement to an act entitled "An Act to incorporate the Overpeck Creek Canal Company," approved March eighth, eighteen hundred and seventy.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for May extend and build canal.  
Overpeck Creek Canal Company to extend and build  
canal, from its present northern terminus, northerly to  
New York state line, with the privilege of beginning at  
any point, and to build any part or parts thereof within the  
said boundary ; and the said Overpeck Creek Canal  
Company, shall and may acquire, hold and possess all lands,  
and property required for such extension of said canal,  
in the manner provided in the act to which this is a supplement,  
and is hereby invested with and may exercise the same  
powers, privileges and franchises, for and in the con- Powers.  
struction, use and enjoyment of the same, and shall be sub-  
ject to the same conditions, provisions, limitations and re-  
strictions, except as to the time of the construction thereof,  
as are contained in the act to which this is a supplement.

*And be it enacted*, That for the purpose of enabling Increase of capital stock.  
said company to build and construct said canal as aforesaid,  
thereby authorized to be constructed, the capital stock of



said company may be increased to such amount as the directors thereof shall deem necessary and proper to be subscribed, called in and collected in the manner provided in the act to which this is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCXVII.

### An Act to incorporate the Stafford Land Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry M. Allen, W. Campbell, junior, William N. Grier, Hugh H. Borrows, James F. Kitchen, Nicholas Murrah, John D. junior, Reuben Etting, A. D. Hepburn, William Samuel Campbell and John A. King, and such other persons as they may hereafter associate with them, be and they are constituted and declared to be a body corporate in fact and in law, by the name of the Stafford Land Company," and in that name shall have power to seal, shall sue and be sued, and shall have power to hold, improve, lease, rent and sell real and personal property or any interest therein, and to open books of account at such time and place in the county of Ocean as they may select; and until other directors are chosen as herein above mentioned, shall be the first directors, and have power to make by-laws and transact such other business as may be consistent with this act.

2. *And be it enacted*, That the capital stock of the company shall consist of one thousand shares of one hundred dollars each, with liberty to increase the same at any time to an amount not exceeding five thousand dollars. The shares shall be deemed personal property, and shall be transferred in such manner as the company may by their by-laws provide, and as soon as one thousand shares are subscribed

tium thereon shall be paid in to said corporators, or a  
 y of them, or secured to be paid, it shall and may be  
 for the said corporation to proceed to carry into effect  
 ects of this act; and it shall be lawful for the directors  
 corporation to call and demand from the stockholders  
 , respectively, such installments, at such times and in  
 proportions, as they may deem proper, not exceeding  
 dollars on each share at any one time, notice of which  
 e given at least thirty days before such installments  
 quired to be paid; and it shall be lawful for said com-  
 o issue certificates of stock in whole or in part for any  
 personal estate purchased by said company; and in  
 the failure by any stockholder to pay his or her in- Failure to pay  
subscriptions  
to work for-  
feiture.  
 nt or installments, as the case may be, at the time  
 ace appointed for the payment thereof, or within thirty  
 hereafter, such stockholder shall, if the company shall  
 et, incur forfeiture of his or her share or shares, and  
 previous payments thereon for the use of the company.  
*And be it enacted,* That the property and affairs of the Affairs to be  
managed by  
directors.  
 mpany shall be managed by a board of thirteen direc-  
 areholders in said company, who shall be chosen annu-  
 such place in the state of New Jersey, and at such  
 d in such manner and upon such notice as the by-laws  
 company shall direct, each share of the capital stock  
 g the holder to one vote either in person or by proxy,  
 rectors to hold office until others are elected in their  
 five of said directors shall constitute a quorum com-  
 to transact all business; said directors shall choose  
 their number to be president and may appoint such  
 officers and agents as they may deem expedient.  
*And be it enacted,* That the president and directors of May purchase  
and hold real  
estate.  
 mpany be, and they are hereby authorized and in-  
 with all the rights and powers necessary and expedient  
 chase, hold, use and improve, rent, lease, sell and dis-  
 e real or personal estate, or any interest therein in the  
 f New Jersey, to survey such real estate as they may  
 se, to lay it out in such lots, to lay out and establish  
 te thereon such streets or lines of division, and to sell  
 ch lots, and at such prices as shall to said company  
 est calculated to improve and build up said property  
 erties, and to transact all business connected with the  
 g out the object of said corporation.  
*And be it enacted,* That any conveyance, deed, lease,

Conveyances,  
 &c., binding  
 on company.

agreement or other instrument signed by treasurer of said company, and duly sealed according to the laws of New Jersey, and effect to bind said company to all conditions therein contained.

May incorpo-  
 rate in any  
 deed a clause  
 forbidding  
 sale of liquors.

6. *And be it enacted*, That for the purposes, and of compelling a uniformity in lands belonging to them, the hereby authorized and invested with full into any deed of conveyance made by simple or otherwise, a clause or condition upon the premises so conveyed by said spirituous or intoxicating liquors, and forbidding which the said company may deem detrimental to the interests and prosperity of said settlement, the grantee of said company to make and the character of improvements on said lots, and the streets fronting thereon, as to the said most expedient for securing a uniform system and improvement of their property.

Provisions of  
 last section,  
 how enforced.

7. *And be it enacted*, That for the purposes the provisions of the last section, the hereby authorized and invested with power to make a clause to restrict nuisances and regulate the same, and to impose a penal sum, which said grantee shall forfeit in case of non-compliance therewith, and the said company may recover in any court of competent jurisdiction in actions of debt.

Dividends.

8. *And be it enacted*, That the president of the said company shall declare and make good the dividends they may deem prudent and proper, from the profits of said company.

May borrow  
 money.

9. *And be it enacted*, That the said company may borrow such sum or sums of money, from time to time as may be necessary to carry out the objects of the company, and to secure the repayment thereof by the execution of any bond or bonds, and may secure the same by mortgage on the lands, privileges, franchises, and tenancies of and belonging to said company, not more than seven per centum interest.

How dissolved

10. *And be it enacted*, That the said company may be dissolved at any time by a general meeting of the stockholders, specially summoned for that purpose.



corporation, by direction of the board of directors or a majority of them; *provided*, that at least two-thirds in value of the stock be represented at said meeting, and upon such dissolution the directors for the time being, or the survivors or survivors of them, shall be trustees for settling all the affairs of the corporation, and dividing the surplus among the stockholders in proportion to their respective interest therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose; in which case the person or persons so appointed shall be trustee or trustees for the purpose aforesaid.

*And be it enacted*, That if any person or persons shall wilfully or maliciously injure the buildings, or any other property of the said corporation, such person or persons shall forfeit or pay therefor to the said corporation three times the amount of damages sustained by the corporation thereof, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance thereof.

*Penalty for  
injuring  
works.*

*And be it enacted*, That the said company shall have power to subscribe for and take stock in, or purchase the shares of, any canal, railroad, bridge, turnpike or other high-ways that now is or hereafter may be incorporated or established by the legislature of this state, which shall lead to or through any lands that may be owned by the said company, and also that said company may subscribe for or take in, or purchase or guarantee the bonds of any manufacturing, mining or other company, or any hotel, that now is or hereafter may be incorporated or established by the laws of this state.

*Power to take  
stock in other  
corporations.*

*And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation may direct.

*Failure to  
elect not to  
dissolve.*

*And be it enacted*, That said company shall have power to construct and maintain a bridge or bridges from any lands which may be owned by them near the village of Manassas, in the township of Stafford, in the county of Ocean, or any waters adjoining the same, to any island or islands situated on or adjacent to such lands that may be owned in whole or in part

*May build  
bridges, &c.*

Provided,

by said company ; and said company may tolls for passage and transportation over bridges ; *provided*, that in case any navigable river or stream shall be crossed by said bridge or bridges, such bridges shall be built and maintained notwithstanding the riparian rights.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCXVII

A Supplement to "An Act to incorporate the Allentown and Hightstown Railroad Company," approved March 27, 1872, hundred and seventy.

May survey,  
lay out and  
extend rail-  
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Allentown and Hightstown Railroad Company shall have power to survey, lay out, construct, maintain, operate and extend their railroad from a point at or near Allentown, the terminus mentioned in the act of March 27, 1872, to some point at or near Hightstown, and eastward from a point at or near Hightstown on the Pemberton and Hightstown railroad to a point at or near the county of Monmouth.

May increase  
capital stock.

2. *And be it enacted*, That said company shall have power to increase their capital stock to five hundred thousand dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCIX.

to incorporate the Point Pleasant Railway Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Adam W. Clayton, George Corporators.  
 Ste, John Arnold, Sidney Forman and Richard B.

and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in and in law, by the name of "The Point Pleasant Railway Company," and by that name they and their successors, assigns, shall and may have continual succession, and the persons in law capable of suing and being sued, defending and being defended in all the courts and whatsoever, and shall have power to make and use a seal, and the same at pleasure to alter; and they and their successors by the same name and style shall be capable of purchasing, holding and conveying any lands, tenements, and chattels whatsoever necessary or expedient for the purposes of this corporation.

And be it enacted, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; but the company shall have power to increase the same to an amount not exceeding one million dollars; the said capital shall be deemed personal property, and shall be transferred in such manner as the by-laws of said company shall

And be it enacted, That the above named persons, or a majority of them, may open books and procure subscriptions for the capital stock of the said company, at such time or place and in such place or places as they, or a majority of them, may think proper; and whenever there shall be one hundred shares of the said stock subscribed, the said corporation, a majority of them, may give notice for a meeting of subscribers, to choose nine directors, and such election shall be made at the time and place appointed in the said no-

Commissioners to receive subscriptions.

Election of directors.



tice, by such subscribers as shall attend either in person or by lawful proxy, each stock entitling the holder thereof to one vote of the above named corporators shall be election, and shall certify under their hands persons duly elected as directors, and descriptions books to the said directors at the said directors; and the said directors so shall at their first meeting, or annually, at of the said company, or as soon as may be election, choose out of their own number in case of the death, resignation or removal of any director, such vacancy or vacancies may be filled up for the remainder of the year, wherein they may be elected by the board of directors, or a majority of them; in the absence of the president, the said board of directors, or a majority of them, may appoint a president or presidents, who shall have such powers and functions as the said company shall provide.

Vacancies,  
how filled.

Failure to  
elect not to  
dissolve.

4. *And be it enacted*, That in case if an election of directors should not be made when, pursuant to this act, it ought to be made, the corporation shall not for that cause be deemed dissolved; but such election may be held at any other time, and the directors for the time being shall continue in office until new ones shall have been chosen in their stead.

Powers of di-  
rectors.

5. *And be it enacted*, That a majority of the said company shall be competent to transact the business of the said company, and they shall have power to issue capital stock of said company, by such instalments as they may direct; and no such instalment shall exceed twenty five dollars on each share, and no such instalment shall be called for at a time when the said instalments shall not be called for at a time of thirty days from each other; and in case of default of said instalments, or any of them, to the full value of the shares upon which such default shall arise, the directors may prescribe such by-laws, rules and regulations as they may deem appear needful and proper touching the management and regulations of the stock, property, estate and affairs of the said company, and shall also have power to employ a treasurer and a secretary, and so many officers and agents as to them shall seem meet, and to establish

Proviso.

s to them, and also to the president, as to the said  
shall appear proper.

*And be it enacted*, That the president and directors of  
company be and they are hereby authorized and in-  
with all the rights and powers necessary and expedi-  
survey, lay out and construct a railroad from some  
point at or near the village of Manchester, in Ocean  
to some suitable point at or near the village of Point  
nt, in said county, with power to construct branch  
ds thereto, to connect with any railroad or roads that  
ow or hereafter be built in the counties of Ocean or  
outh; but any such railroads shall not exceed one  
ed feet in width, unless more land shall be required for  
pes of cuts and embankments, in which case, so much  
s will be necessary for the purpose, and no more, shall  
en, with as many sets of tracks and rails as said com-  
may deem necessary; and it shall be lawful for the  
resident and directors, their agents, engineers, super-  
ents, or others in their employ, to enter at all times,  
all lands or waters for the purpose of exploring, sur-  
g, leveling and laying out the route or routes of such  
d or roads, and of locating the same; and to locate  
rect all necessary works, buildings, conveniences, ap-  
ances and appendages thereof, doing no unnecessary  
to private or other property; and when the route or  
of such railways, and the location or locations of other  
buildings, conveniences, appurtenances and append-  
hereof, shall have been determined upon, and a survey  
h route or routes, location or locations, deposited in  
ice of the secretary of state, then it shall be lawful for  
company, by its officers, agents, engineers, superintend-  
workmen and other persons in their employ, to enter  
take possession of, hold, have, use, occupy and exca-  
ny such lands, and to erect embankments, bridges and  
er necessary works, lay rails, and to do all other things  
may be suitable or necessary for the completion, man-  
ent or repairs of said railways, subject to such compen-  
as is hereinafter provided; *provided always*, that the  
ent, or tender of payment, of all damages for the  
ancy of lands through or upon which the said railways,  
their conveniences, appurtenances and appendages may  
d out or located, be made before the said company, or  
erson under their direction or employ, shall enter upon,

Authorized to  
survey, lay  
out and con-  
struct a rail-  
road.

May enter on  
lands, &c.

Proviso.

or break ground in the premises, except for surveying and laying out said railways, and the appurtenances and appendages, and of location, unless the consent of the owner or owners of the first had and obtained.

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

7. *And be it enacted*, That if the owner of lands on which such survey or location for such purpose, and the said company and agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, giving ten days' notice in writing to the other party of such application, and after hearing the parties and three disinterested commissioners to assess the value of said lands, who shall be sworn or affirmed to execute the duties of such appointment; and to be present at both parties of the time and place, shall hear the parties and evidence on the premises, and thereupon make such decision and award as shall appear just and proper, and transmit such decision and award, together with a description of the said lands, quantity taken, by whom owned and how bounded, and described in writing, under the hands and seals, or under the hands and seals of any two justices who appointed them, and to be by him filed in the office of the clerk of the county where the same shall lie, together with all the papers before him in the case, there to be kept as a public record, and copies thereof to be required, by either party; and if either party shall be aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the said court at the next term after such decision and award, in the form of a petition to the said court, with notice in writing to the opposite party of such appeal, and the proceeding shall vest in the said circuit court the power to hear and adjudge the same, and it shall be the duty of the said court to award a venire in proper form for a jury who shall hear and finally determine the same, and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said court shall find that the sum demanded by the said company, and they shall receive more than the said commissioners, then ju-

Proceedings  
in case of ap-  
peal.



with costs, against the said company, and execution if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issued thereon, as may be directed by the said court; and upon the return or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said company shall be deemed to be seized, and possessed in fee simple, of the lands and real estate appraised as aforesaid.

*And be it enacted*, That in case any owner or owners of land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, it shall be the duty of the said company to pay the amount of any award or report so made in behalf of any such person into the court of chancery to the clerk thereof, subject to the order of the said court for the use of any such owner or owners, all of which said proceedings, as well under this as under the preceding section of this act, shall be at the proper costs and charges of the said company, except in cases of appeal as above provided for, and the said justice shall and lawfully order and direct, as to the amount of costs and charges of valuation and appraisement, and witness fees, and as to the payment thereof in cases where an appeal is made.

*And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient crossings, where any public or other road shall cross the same, for the passage of carriages, horses and cattle, across the said railroads, so that the passage of the same shall not be impeded thereby.

*And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, and to place on any line of railroad constructed by them under the provisions of this act, engines, machines, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property thereon, at such rates as they may think reasonable, expedient and right; *provided*, that they shall not charge more than at the rate of ten cents per ton for the transportation of property on the said railroads, or five cents per mile for carrying each passenger on the said railroads, or six cents per mile for each ton of property transported, or three

Proceedings  
in case per-  
sons are inca-  
pacitated.

Shall con-  
struct and  
keep crossings  
in repair.

May purchase  
equipments,  
and rates of  
fare.

Proviso.

cents per mile for each passenger carried on the carriages of others, and three cents per each empty carriage; *provided*, that no charge required to be less than ten cents; and the lands and its appendages, and the land over which the road and all the works and improvements, steam engines, and all other property whatsoever belonging to the company at any time or times, are hereby vested in the company incorporated by this act, and their successors during the continuance of this act.

May make  
contracts.

11. *And be it enacted*, That it shall be the duty of the company to contract for the running of the trains on the company over their own railroad or roads, or to let the same to any other corporation, or individual, or to connect the said road or roads at their terminus with any other railroad or roads that may now or hereafter be authorized by law, and that the railroad or roads authorized by law shall be and are hereby declared public highways, and the use of any railway car or carriage thereon shall be subject to the rates herein provided, and property, subject to the rates herein provided, that the train of cars, of any company, or individuals passing over or on the said roads shall be subject to the regulations of the company as to time and speed of running said trains or cars.

Proviso.

Dividends.

12. *And be it enacted*, That the president of the company shall, within one year after the said railroad is completed, declare and make such dividends as he may think prudent and proper, of the net profits of the company, and shall in like manner, semi-annually thereafter, declare dividends, and pay the same to the stockholders of the company in proportion to the amount of shares owned by them respectively, as they may deem prudent and proper.

Penalty for  
injuring works.

13. *And be it enacted*, That if any person shall impair, destroy, or obstruct the use of the railroad or roads under the provisions of this act, by the destruction of its necessary works, bridges, carriages, or appendages, such person or persons so offending shall be liable to pay to the said company the sum of fifty dollars, to be recovered in any court having competent jurisdiction, in an action of debt, with costs, and further damages.

May have and  
hold real es-  
tate.

14. *And be it enacted*, That the company shall hold real estate at the commencement and

railway, and at the several stations on the line of said railway, to a sufficient extent to provide accommodations and conveniences for the business of said railway, and may erect and build thereon houses, warehouses, machine shops, and other buildings and improvements as it may deem expedient for the safety of property, and construction of cars, and other necessary uses, and take and receive the shares, profits, and emoluments thereof, and shall have the full power and authority to erect, build, and maintain such bridges over any rivers or streams of water, on the line of said railways, as it may find expedient and necessary for full enjoyment of all the benefits conferred by this act; *provided, Provide.* That any bridge erected by said company over any navigable stream shall have a suitable and sufficient draw at a convenient place for the passage of vessels, so as not to impede navigation thereof.

5. *And be it enacted,* That as soon as the said railroad is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the costs of the said railroad, including the cost of the land, improvements, appendages, and all expenses in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said road; and the said railroad, or any part of it, shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and other taxes as may be assessed from time to time, by a general law applicable to all railroads over which the legislature shall have power, for that purpose, at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property now taxed in the township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other property is assessed in said township or townships; *provided, Provide.* That no other tax or impost shall be levied or assessed upon said company.



State may  
take and oper-  
ate road.

16. *And be it enacted*, That any time from the completion of the said railway, this state may cause an appraisement of the appendages thereof to be made, by six whom shall be appointed by the chief justice for the time being, the remaining three who, or a majority of them, shall report to the legislature, within one year from the pointment; or, if they cannot agree, the seventh, who, with the aforesaid six, shall report or in case the said company shall neglect or the said three persons on their part, for their appointment by the said chief justice persons so appointed by him shall proceed to appraisement, which shall be binding upon them or in case the said six shall be appointed they cannot agree upon a seventh man, then notice to the said company, the said chief justice point the seventh man as aforesaid, to make appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said railway, and payment to the company of the amount of stock so reported, one year after electing to take said railway, shall be filed in the office of the secretary of the whole property and interest of said railway, and the appendages thereof, shall be vested in the state of New York, and payment of the amount so reported, to the said company, and it shall be the duty of the president of the said railway to lay before the legislature, under oath or affirmation, if they shall so request, a full and fair statement of the said railway, and of all receipts and disbursements of the said company; *provided always*, that the appraisement shall be made without reference to the receipts and disbursements of the company or advance of the said railway, and the said valuation shall in no case exceed the value of the said railway with the appendages thereof.

Report to be  
made and  
filed.

Proviso.

When to com-  
mence opera-  
tions.

17. *And be it enacted*, That when any railway shall be completed, the said company shall be authorized to operate the same for the transportation of passengers and property, enjoying all the privileges, and subject to all the restrictions created by this act.

Limitation.

18. *And be it enacted*, That the said railway

eof, shall be commenced within five years and completed in ten years from the fourth day of July next ensuing.

9. *And be it enacted*, That the said company be, and May lease and consolidate with other companies. are hereby authorized and empowered, if at any time shall deem it their interest so to do, to lease the said roads, or any part thereof to, or consolidating with other railroad company, by the consent of the stockholders owning or representing a majority of the stock; the company shall be subject to all the restrictions and liabilities, and entitled to all the privileges of this act, so far as operating of this road is concerned, anything in their charter to the contrary notwithstanding; and it shall be lawful for the said company to make contracts and engagements with any other corporation or individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of said contract.

10. *And be it enacted*, That the said corporation shall have Authorized to issue bonds. power, from time to time, to borrow, such sum or sums of money, as shall be necessary to secure rights of way, make repairs, to construct or repair said railroad or roads, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings, for the uses and objects of said corporation and to secure the repayment thereof by mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances, of said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it Proviso. shall not be lawful for the said corporation to plead any statute of this state against usury, in any court of law or equity in any suit instituted to enforce the payment of any mortgage executed under this section of this act.

11. *And be it enacted*, That the governor, the chancellor, Free passes. justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools, and the principal of the normal school, when traveling for the purpose of discharging the duties of their offices, the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad or roads of said company, free of charge.

12. *And be it enacted*, That it shall be lawful for any cor-

Other corporations may take and hold stock.

poration to subscribe for, purchase and hold bonds of the said railway company.

23. *And be it enacted*, That this act shall be deemed to be a public act, and take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCX.

An Act for the relief of David Wilson, of Bridgewater, in the county of Somerset.

Citizenship restored

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Wilson, of Bridgewater, in the county of Somerset, be and he is hereby restored to all his privileges and franchises as a citizen of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCXI.

An Act to confirm the title of Susan R. Hudson, in Jersey City.

Preamble

WHEREAS, Moses B. Bramhall and Jacob M. Hudson, of land in Bergen (now Jersey City), did on the tenth day of November, one thousand and fifty-one, file in the clerk's office of the County of Hudson, a map of their property, entitled



erty belonging to M. B. Bramhall and J. M. Merseles, situate at Bergen, Hudson county, New Jersey," on which said map a strip of land running from Hudson avenue in a north-west direction to lands now owned by the said Susan R. Harrington, was laid out as a street, known as Cedar Bush road, and by an error of the surveyor or unintentional extension of the lines thereof, extended a short distance into the lands now owned by Susan R. Harrington; and whereas, so much of said street as extended into the lands of Susan R. Harrington, aforesaid, was never accepted by the municipal authorities; and whereas said Cedar Bush road was never intended to extend beyond the lines, as shown on a certain map on file in the clerk's office of Hudson county aforesaid, entitled "Plan of twenty-six Building Lots in the line of Jersey City and Bergen Railroad, town of Bergen, Hudson County, New Jersey, owned by D. E. Culver and O. Cleveland, eighteen hundred and sixty-six;" and whereas, since the conveyance of the lands in question to the said Susan R. Harrington by the said Orestes Cleveland and Delos E. Culver, the validity of the title of said Susan R. Harrington to so much of said property into which Cedar Bush road extends as aforesaid has been questioned by reason of the filing of the map first above referred to; therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the filing of said map shall not be construed to be a dedication of said strip of land of Susan Harrington to the public as a highway or street, but the title to be full and complete.  
of said Susan R. Harrington thereto shall be deemed taken to be as full and complete as though said map had been filed.

And be it enacted, That this act shall take effect immediately.

Approved March 27, 1872.

## CHAPTER CCCCXII.

A Supplement to an act entitled "An Act to amend the Washington Market Company of the City of Paterson, approved March fourteenth, one thousand eight hundred and seventy-one.

Subscriptions  
to stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the directors of said company to call in and demand of the subscribers to the capital stock of said company the amount subscribed, and then at such times and in such manner as they shall deem proper, and if default be made by any of such subscription as the same shall be due within fourteen days after demand thereof, by service of notice on the subscribers requiring such payment, and if the same thereof made or to be made in one or more installments, of the city of Paterson, the directors may cause the shares so in default, with all previous payments made thereon, to be sold.

May adopt by-laws.

2. *And be it enacted*, That a majority of the directors may form a quorum for the transaction of the business of the corporation, who shall have power to ordain, make, alter, or in execution such by-laws, ordinances and regulations as they shall deem proper for the government, management and disposition of the stock, effects, profits and losses of the corporation; *provided*, that the same be not inconsistent with the constitution and laws of this state or of the United States.

Proviso.

Managed by directors.

3. *And be it enacted*, That the affairs of the corporation shall be managed by seven directors, who shall elect one of their number president, and the directors shall be elected annually, as directed in the first section of the act to which this is a supplement. And the said directors shall have power to appoint and discharge clerks and servants as to them shall seem proper, and to establish such salaries to them, and, also, to appoint and discharge other officers as to the said board of directors shall seem proper.

Officers.

Repealer.

4. *And be it enacted*, That the words "paid up" in the second section of the act to which this is a supplement, be and the same shall be construed to mean "paid for."

ent, and the words "and paid in" in the third section  
 act be and the same are hereby repealed.  
*and be it enacted*, That such parts of said act as are in- Repealer.  
 nt with this act, be and the same are hereby repealed,  
 this act take effect immediately.  
 oved March 27, 1872.

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## CHAPTER CCCCXIII.

er Supplement to an act entitled "An Act to incor-  
 e the Somerville and Easton Railroad Company,"  
 d February twenty-sixth, one thousand eight hundred  
 erty-seven.

IT ENACTED *by the Senate and General Assembly of*  
*the State of New Jersey*, That the Central Railroad Com- May increase  
 New Jersey may increase their capital stock five capital stock.  
 of dollars in addition to the present authorized  
 using the same to take up the scrip for a similar  
 issued with the assent of a majority in interest of the  
 ders of said company.  
*and be it enacted*, That it shall be lawful for the said Power to con-  
 y to construct a branch railroad from any point in the struct branch  
 and New York Railroad east of the Passaic river to railroads.  
 ction with the Morris and Essex Railroad in the  
 of Hudson; and also, to construct a branch railroad  
 ng with the Newark and New York Railroad on or  
 point west of the Brill farm, to a connection with the  
 nd Essex Railroad in the county of Essex; and for  
 tion, construction and enjoyment of such branches,  
 rovisions of the charter of the said company and its  
 ents shall be applicable; *provided however*, that if Proviso.  
 f the said branches shall cross the tracks of the New  
 Railroad and Transportation Company, such crossings  
 t be at grade; *and provided also*, that the said last Proviso.  
 ed branch railroad shall not cross any public street



in the city of Newark on grade without the consent of the common council of said city.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1872.

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## CHAPTER CCCC

A Further Supplement to an act entitled "An act to amend the charter of the city of Newark," passed March eleventh, eighteen hundred and seventy-two.

1. BE IT ENACTED *by the Senate and the General Assembly of the State of New Jersey*, That the mayor and council of the city of Newark, New Jersey, shall publish the official advertisements of said city in said newspaper in said city, in addition to the newspapers in which they are now authorized to publish, and shall charge and collect the expense of the publication in the same manner as the expense of official advertisements now charged and collected.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 28, 1872.

## CHAPTER CCCCXVII.

to regulate the construction of sidewalks, and for other improvements in the township of Bloomfield.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purposes of this act, the township of Bloomfield, in the county of Essex, shall be divided into four sidewalk districts, the boundaries of which shall be as hereinafter set forth, that is to say: the first district beginning in the line dividing the counties of Essex and Montclair; at the point where the same is intersected by the line dividing the townships of Bloomfield and Montclair; and running easterly along the line of Passaic county to the line of Belleville township; thence along the line of Belleville township southerly, to an angle in said line at the Morris canal; thence southerly down the centre of the Morris canal to the centre of the road leading to Franklin; thence westerly along the centre of said Franklin road to Bay lane; thence westerly along the centre of Bay lane to the line of Montclair township; thence northerly along the line of Montclair township to the place of beginning; the second district beginning at the point where the centre line of Bay lane intersects the line dividing Montclair from Bloomfield; thence running along the centre line of Bay lane to the road leading to Franklin; thence along the centre of the road leading to Franklin easterly, to the Morris canal; thence southerly along the middle of the Morris canal to the line of Belleville township; thence along the line of Belleville township to the line of Bloomfield avenue; thence northwesterly along the centre of Bloomfield avenue, to the line of Montclair township; thence northerly along the line of Montclair township to the place of beginning; the third district beginning in the line dividing the townships of Belleville and Bloomfield; at an angle in said line where the same is met by the line of the Morris canal; thence along the said line of Belleville township easterly course, and a southerly course to a point where the Morris canal crosses the easterly boundary of Bloomfield township; thence along the middle of said canal

Sidewalk districts.

First district.

Second district.

Third district.

Fourth district.

Township committee may lay sidewalks on petition of owners, &c.

Costs to be assessed.

Provided.

westerly, and northerly to the place of beginning; the district to comprise all the remainder of said township of Bloomfield lying southwesterly of the centre line of the Bloomfield avenue (formerly the Newark and Pompton pike).

2. *And be it enacted*, That whenever a petition, in writing, shall be presented to the township committee of said township of Bloomfield, signed by the owners of three-fifths of the number of lineal feet upon one side of any road, street or avenue in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk as lies between the points named, and upon that side of the street named in said petition, laid with flags, stone, plank, composition, and other suitable material, in such manner as to make a firm and dry sidewalk, and setting forth the material to be used, and the width of walk to be made, the township committee, in case they deem such a sidewalk a public improvement, may proceed to lay the same, or cause the same to be laid in accordance with the request of the petition; after having caused a suitable grade to be established, made and worked to, and bed of said sidewalk, in case such grading shall be necessary, when the cost of constructing the sidewalk called for in said petition shall have been ascertained, the township committee shall assess said cost upon the owners of the lands in front of which such sidewalk shall have been laid, upon the same side of the street; *provided*, that in case a sidewalk shall have been already constructed on any part of the ground embraced in the terms of the petition, whether, in the judgment of the township committee, shall be a public improvement as that in said petition requested to be laid; the township committee shall not make any assessment against the owner of the lands in front for the number of feet thus previously laid; the basis of the assessment shall in all cases be the number of lineal feet owned by each person in front of whose lands the sidewalk shall have been laid, upon the same side of the street, and between the points named in the petition; and all the owners between the points named in the petition, and upon that side of the street for which such sidewalk is requested, may be petitioners, whether excepted from the assessment or not; the township committee shall deliver to the town collector a copy of the said assessment when made, and the sums thereby assessed may thereafter be collected.



and by the means provided in "A Supplement to act to increase the number of the township committee township of Bloomfield, in the county of Essex, and to for the making of crosswalks, sidewalks, the light-streets, and the care of the public grounds in said ip," approved March first, one thousand eight hundred seventy, which supplement was approved April fifth, n hundred and seventy-one, and the provisions thereof hereby made applicable to all assessments to be made this act; and all grading, and establishing of grades, working to grade, which shall be done upon the side-shall be paid for by the township committee, out of moneys in their hands, raised by tax for said purposes, collected from and in the sidewalk district in which such g shall be done; and for the purpose of determining ount of tax to be raised for said purposes of grading ks; the taxpayers in each of said districts are hereby ized to meet annually at a time and place in their re- e districts, to be designated by the township committee thirty days after the annual meeting in said township, e township committee shall cause notice to be given district meetings, by advertisements set up in three places in the district where said meeting is to be held t five days before the time appointed for said meeting, e taxpayers being so met shall, by a vote of a majority, ine the amount to be raised by tax in the district ading sidewalks, and the chairman and secretary of eeting shall make and sign a certificate of the result meeting, and transmit the same to the assessor of f said township, who is hereby required to assess the t so certified on the taxables and ratables in that t.

*And be it enacted,* That the township committee of said ip be and they are hereby authorized to sell and dis- of the alms house property, lands, and building in said ip and belonging to the same; and a conveyance of said ty, signed by the chairman of the township committee itnessed by the township clerk, pursuant to a resolu- said committee to that end, shall vest a good and nt title to said property in the grantee named in said ance; and the township committee shall, with the pro- of such sale, together with such other moneys as may ed by the inhabitants of said township at their annual

Authorized to  
sell almshouse  
property.

Proceeds, how  
applied.

meeting for that purpose, purchase, build, or acquire ample and fit grounds, buildings, and accommodations for the maintenance of the poor of said township.

Inhabitants  
may vote to  
raise money  
by taxation.

4. *And be it enacted*, That it shall be the duty of the inhabitants of the said township of Bloomfield, at their next meeting, to vote such sum or sums of money as may be necessary for taxation, as a majority may determine, for the purpose of purchasing land and of building an almshouse for the detention ; and the township committee are authorized to expend any moneys so voted and raised for the purposes for which the same may be so voted.

Committee  
may employ  
detectives, &c.

5. *And be it enacted*, That, for the purpose of keeping the peace and good order of the township, the committee are authorized and empowered to employ and compensate out of the contingent fund of the township such constables, or detectives, who shall, under the direction of the committee, take such measures as shall tend to prevent and apprehend and punish offenders against the laws of the township.

Owners to re-  
pair sidewalks

6. *And be it enacted*, That in case the township of Bloomfield becomes out of repair, it shall be the duty of the township committee to cause the same to be repaired. If the committee shall be served upon the owner or occupant of the property on which the defective walk shall be, to repair the same, in case of failure on the part of such owner or occupant, the township committee may cause such repairs to be made within ten days thereafter. If the owner or occupant thereof to be assessed upon the property in the manner provided by law for assessing and levying taxes, for the purpose of building a sidewalk.

Failure to re-  
pair.

Repealer.

7. *And be it enacted*, That section first of an Act to increase the number of the township of Bloomfield, in the county of Hamilton, to provide for the making of crosswalks, sidewalks, and the care of the public grounds of streets, and the care of the public grounds of the township, approved March first, one thousand eight hundred and seventy, be and the same is hereby repealed, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and the same shall be deemed to be a public act, and shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXVIII.

to better enable the inhabitants of the township of Mansfield, in the county of Burlington, to control the expenditures of their road overseers.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of roads in said township of Mansfield, shall not expend more than twelve hundred dollars annually upon the roads of the township with-  
Amount of money to be expended.  
 written order from the township committee, said sum to be equally divided between the road districts.

*And be it enacted*, That it shall not be lawful for any road overseers to plow or machine-ditch, or cause to be plowed or machine-ditched, on any of the public roads the first day of August annually, nor to do any other work on public roads not to be done unless authorized.  
 on said roads, except in cases of necessity to mend holes or breaks without a written order from the township committee.

*And be it enacted*, That all acts inconsistent with this act be hereby repealed, and this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXIX.

to authorize the town committee of the township of Chatham, in the county of Morris, to appoint a place for holding elections.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the township of Chatham, in the county of Morris, be and hereby



Town committee to appoint a place for holding elections.

are authorized and empowered to appoint for holding all elections which may be held until after and including the annual election next; *provided*, the clerk of said township eight days prior to and within thirty days of election, put up, or cause to be put up, in at least five of the most public places in said township, which advertisements shall make known the place and purpose of holding such election.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXX

A Supplement to an act entitled "An Act to amend the Board of Education of the city of Rahway," passed March eighth, eighteen hundred and sixty-eight.

Term of office of commissioners of public schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all common schools of the city of Rahway, excepting those at large, shall be elected for four years; and whenever vacancies occur, the common council shall fill such vacancies by appointments, which shall only be made during the unexpired term.

Commissioners to divide into classes.

2. *And be it enacted*, That the ward commissioners of the present board, as soon as conveniently after the passage of this act, shall divide their lot into four classes, whereof the term of the first class shall expire on the first Monday in May of the next year, the term of the second class shall expire in two years, the term of the third class in two years, and of the fourth class in two years thereafter; and at all charter elections next preceding the date of the expiration of the term of each class as hereby directed of each ward commissioner.

commissioner hereafter elected, there shall be elected such ward a commissioner for said ward, who shall hold office for four years.

*And be it enacted,* That this act shall take effect immediately.

Approved March 29, 1872.

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## CHAPTER CCCCXXI.

Act to incorporate the Enterprise Cranberry Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That William Major, Thomas B. <sup>Corporators.</sup>   
 er, John Bond, James Batten, William H. Elliott and   
 Good, and all such persons as may be hereafter asso-   
 ciated with them, be and they are hereby constituted and de-   
 clared to be a body politic and corporate, in fact and in law,   
 the name of "The Enterprise Cranberry Company, of <sup>Name and powers.</sup>   
 Monmouth county," for the purpose of buying, selling, hold-   
 ing, cultivating and improving cranberry lands, and of con-   
 ducting the business of growing and selling the products of   
 the same, and by the above name shall have power to agree   
 to purchase, occupy, sell and convey so much real and per-   
 sonal estate lying and being in the county of Monmouth, as   
 shall be deemed necessary and expedient by the said com-   
 pany in the conduct of their business, and all other powers   
 incident to a corporation, and shall have power to improve   
 real estate or any part thereof, for the culture of cran-   
 berries, or for other agricultural purposes, and to erect such   
 buildings thereon as shall be required for the use of said cor-   
 poration, and to lay, keep and maintain such drains and roads,   
 to overflow and irrigate all such lands lying and being   
 within the bounds of the present tract of said company as   
 the corporation shall deem necessary and expedient for the   
 benefit of said lands, and for the purpose of the business   
 hereinbefore specified.

*And be it enacted,* That the capital stock of said com- <sup>Capital stock.</sup>

pany shall be five thousand dollars, with liberty to increase the same to thirty thousand dollars, which shall be divided into shares of fifty dollars each, and that subscriptions for the capital stock may be paid in real or personal estate appropriate to such business, at a bona fide valuation to be agreed upon by a majority in interest of the stockholders, and the said corporation may issue stock in payment thereof, and that the subscriptions for stock shall be opened at such places as the directors shall designate, notice of the time and place of which shall be given under the direction of the board of directors.

Election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by five directors, all of whom shall be stockholders, one of whom shall be the president; they shall hold their office for one year, and until others are elected in their stead; said election to take place in April of each year, and the first five named in the first section of this act shall be the directors of said corporation until an election shall be held; each stockholder shall have one vote at all meetings of stockholders for each share of stock paid up by him, and no more.

Dividends.

4. *And be it enacted*, That the directors of said corporation may make such dividends as the profits, plans and rules of the company will allow.

Stock, how transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable as by laws may prescribe, and that regular books of account of the corporation shall be kept, to which every stockholder shall have access at reasonable times, for the purpose of inspection, and that their principal office shall be in Monmouth county.

Statement to be made.

6. *And be it enacted*, That the directors at the annual meeting of the stockholders shall make a report fully setting forth the state and affairs of the company, and any number of the stockholders holding not less than ten per centum of the aggregate amount of stock (if the directors refuse) shall call a meeting of the stockholders.

7. *And be it enacted*, That this act take effect immediately.  
Approved March 29, 1872.



## CHAPTER CCCCXXII.

An Act to incorporate the Standard Printing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Lyon, John Hood, Corporators. B. Cleveland, William J. Lyon and William H. De Camp, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and incorporate by the name of "The Standard Printing Company," Name. for the purpose of printing and publishing a newspaper in the city of Jersey City, and doing such other printing and publishing business as they may deem expedient, with authority to purchase and hold such real estate as they may deem necessary for the purposes of the company, and to mortgage, sell or otherwise dispose of the same.
2. *And be it enacted*, That the capital stock of said com- Capital stock. any shall be thirty thousand dollars, divided into shares of twenty-five dollars each, with liberty to increase the same to any sum not exceeding sixty thousand dollars, which shares shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors by their by-laws or otherwise may direct, each stockholder to have one vote, either in person or by proxy; said stock to be subscribed, called for and paid in at such times, in such installments, and upon such notice as the directors may appoint.
3. *And be it enacted*, That the property and affairs of the Affairs, how managed. said company shall be managed by a board of directors, not less than three nor more than nine, all of whom shall be shareholders in said company, and who shall be chosen at such time and place in the city of Jersey City, and upon such notice as the directors by the by-laws of the company may direct; and that John H. Lyon, John Hood, J. B. Cleve- First directors land, William J. Lyon and William H. De Camp shall be the first directors of said company, who shall, as soon as convenient, after the passage of this act, assemble and organize said company, and shall continue in office until others are elected in their stead.

Powers of  
directors.

4. *And be it enacted*, That as soon as ten thousand dollars of the said capital stock shall have been subscribed, the said company shall be authorized to proceed to carry out the objects of this corporation; that the shareholders shall choose out of the board of directors a president, and the directors shall have power to appoint such officers, agents, clerks and other servants as they may deem expedient, and to fix their compensation, they shall have power to adopt such rules and regulations as they may deem necessary and convenient for the management of said company; to fill vacancies in their own board until the next annual election, and until others are chosen in their stead; to declare stock forfeited for non-payment of any installment or installments, and to sell and issue stock in lieu thereof for the benefit of said company.

Annual elec-  
tion.

Failure to  
elect directors  
not to dissolve

5. *And be it enacted*, That the first annual election shall be held on the first Wednesday of June next, or at such other time and at such place as the directors may appoint, and at such hour as shall be fixed by the by-laws; and that if it so happen that an election of directors shall not take place on that day, or on any subsequent day appointed for that purpose, the said corporation shall not be dissolved, but an election shall be held subsequently in any such case, at such time and place as the directors may appoint.

Statement, to  
be made.

6. *And be it enacted*, That the directors of said company shall make an annual report to the stockholders at their annual meeting, of the condition and affairs of the said company, and no dividends shall be declared except from the actual and net profits of the company.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXXIII.

A Further Supplement to an act entitled "An Act to incorporate a company to form an artificial navigation between the waters of Newark Bay and New York Bay," approved March thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where land or materials shall be taken by commissioners under provisions of section eight of the act to which this is a supplement, where the said company or owner or owners of the said land or material shall be dissatisfied with the report made by the commissioners named in section eight of the act to which this is a supplement, the party so aggrieved may appeal to the circuit court of the county of Hudson, by petition to the said court, to be filed with the clerk thereof, within ten days after the filing of the report of the commissioners, which report shall be made and filed by said commissioners within ten days after viewing said lands or materials; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceeding shall vest in the said circuit court or in any justice thereof, full right and power to direct a proper issue for the trial of said controversy between the said parties, and order a jury to be enpanneled and sworn as in other cases, and a view of the premises and materials to be had, if either of the parties desire it, and the issue to be tried at the next term of the said court, to be holden in said county of Hudson, upon like notice and in the same manner as other issues in said court are tried, and it shall be the duty of the jury to assess the value of said lands and materials and damages sustained; and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon with costs shall be entered against said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered; then the costs shall

Proceedings in case owners are dissatisfied with report of commissioners, and appeal therefrom.



- be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, or into the court of common pleas to the clerk thereof, in the county of Hudson; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof, receive the same without being debarred from the appeal hereby provided for;
- provided*, that nothing in this act shall affect the rights of the state to lands lying under water.
2. *And be it enacted*, That if in construction of the canal authorized by the act to which this is a supplement, and the several supplements thereto, it should be desirable to first construct the section authorized by the supplement approved April sixteenth, eighteen hundred and sixty eight, it shall be lawful to do so and section eight (8) of the original act is hereby made applicable with regard to the taking of lands and materials subject however to all the restrictions, limitations, and conditions of the said original act and supplements; *provided, however*, that the commissioners appointed under said section eight of the original act shall file their report with the clerk of the county of Essex as well as with the clerk of the county of Hudson as therein provided.
3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.
- Approved March 29, 1872.

Proviso.

Proviso.

May construct  
section of  
canal.Original act  
made applica-  
ble, &c.

Proviso.

Repealer.

## CHAPTER CCCCXXIV.

Act to incorporate the Bricksburg and Freehold Railroad Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Robert Campbell, Riley A. Corporators.  
 Eck, George P. Smith, Isaac A. Van Hise, A. Jameson, A.

Bradshaw and E. Dickinson, and such other persons as hereafter be associated with them, shall be and are hereby joined, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Bricksburg and Freehold Railroad Company," and shall be capable Name.  
 of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient for the objects of this incorporation.

And be it enacted, That the amount of the capital stock Amount of capital stock.  
 of said company shall be one hundred thousand dollars, with power to increase the same to two hundred and fifty thousand dollars; said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct.

And be it enacted, That the above named persons, or a Commissioners to receive subscriptions.  
 majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice the same in one of the newspapers published in Ocean County and one published in Freehold, Monmouth county, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose ten directors, a majority of whom shall be resident and citizens of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall be designated for that purpose, either in person or by lawful proxy,

Election of directors.

each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver the subscription books and money paid in, deducting all expenses previously incurred to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own members a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Vacancy, how filled.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Failure to pay installments to forfeit shares.

5. *And be it enacted*, That four directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct; and in case of the non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws and regulations as to them shall appear needful and proper touching the management and regulations of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May make by-laws.

May appoint officers.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and

and with all the rights and powers necessary and expe- Authorized to  
 to survey, lay out and construct a railroad from a point survey, lay  
 near the village of Bricksburgh, in Ocean county, out and con-  
 passing by some convenient route to a convenient struct a rail-  
 or near the village of Freehold, in the county of road.  
 uth; said railway not to exceed one hundred feet in  
 except where, from the depth of the embankment or  
 tions, a greater width is required, with as many sets  
 ks and rails as they may deem necessary; and it shall  
 ful for the said president and directors, their agents,  
 tendents, engineers, and others in their employ, to  
 t all times upon all lands and water, for the purpose  
 oring, surveying, leveling, or laying out the route of  
 lroad, and of locating the same; and to do and erect all  
 ry work in buildings and appendages thereof, doing  
 necessary injury to private or other property; and when  
 te of such road shall have been determined upon, and  
 y of such route deposited in the office of the secretary  
 e, then it shall be lawful of said company, by its  
 agents, engineers, superintendents, contractors, work-  
 d other persons in its employ, to enter upon, take pos-  
 of, hold, have, use, occupy and excavate any such  
 and to erect embankments, bridges, piers, wharves,  
 and all other works necessary to lay rails, and to do  
 er things which shall be suitable or necessary for the  
 ion or repair of the said road, subject to such compen-  
 as is hereinafter provided; *provided*, that the payment  
 er of the payment of all damages for the occupancy  
 s through which the said railroad may be laid out, be  
 before the said company, or any person under their  
 n or employ, shall enter upon or break ground in the  
 s, except for the purpose of surveying and laying out  
 ad, unless the consent of the owner or owners of such  
 e first had and obtained; *provided always*, that it  
 e lawful for the said company to make or form a con-  
 with any railroad which may be deemed best and  
 dvantageous by the president and directors of the said  
 ough and Freehold Railroad Company.  
 nd be it enacted, That when the said company, or its  
 cannot agree with the owner or owners of such re-  
 land or materials, for the use or purchase thereof, or  
 y reason of the legal incapacity or absence of such  
 or owners, no such agreement can be made, a particular

May enter on  
lands.

Proviso.

Proviso.

Proceedings  
in case com-  
pany and own-  
ers cannot  
agree.

description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing, under the oaths and affirmations of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in controversy, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the said company for such lands or materials, and damages aforesaid; which report shall be made in writing, under the hand and seal of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and the oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of



owner or owners to recover the amount of said valuation interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against any, if they shall neglect or refuse to pay the same within ten days after demand made of their treasurer; and the same shall from time to time constitute a lien upon the property of any in the nature of a mortgage; and the said court shall on application of either party on reasonable notice to the other, tax and allow costs, fees, and expenses, to the justice of the supreme court, commissioners, clerks, and other persons performing the duties prescribed in this section, as they or he may think equitable and right, which shall be paid by the

*be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be in writing, and in the form of a petition to said court, to be filed with the clerk of said circuit court of the county in which the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing of such proceeding shall vest in the circuit court full power to hear and adjudge the same, and to direct the issue for the trial of the said controversy to be taken between the said parties; and to order a jury to be summoned to take a view of the premises or materials to be had; and the said issue to be tried at the next term of said court, then in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment, with costs, shall be entered against the said owner or owners, and execution awarded therefor; but if the said sum shall be applied for by the said owner or owners, and shall be less than the same, or a less sum than the company shall have awarded, then the said costs shall be paid by said applicant or applicants, and either deducted from said sum found by the said jury, or execution awarded as the court shall direct; but such application shall not prevent the company from taking the said land and the proceeds thereon upon filing the aforesaid report; *provided*, that in

Proceedings  
in case of ap-  
peal.

Provido.



no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railway, or of making any erections or improvements whatever, or otherwise appropriating said land to the use of said company, until they shall have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as to the value of said lands or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed, as found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of said commissioners; *provided further*, that in case of appeal from the award of the commissioners by either party, the said company, upon depositing the amount in the said circuit court to abide the result of such appeal, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

Provided.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair the said railroad good and sufficient bridges or passages over or under where any public or other road shall cross the same, and to alter and grade the said roads so that the passage of carriages, horses and cattle, passing and repassing, shall not be impeded thereby; and also, where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that the same may be conveniently passed.

May purchase equipments.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or vehicles, for the transportation of

or any species of property on their railroad, as they think fit, reasonable, expedient or right.

*And be it enacted*, That the said company may purchase and hold real estate, at the commencement and

May hold real or personal estate, &c.

of their railroad, or at any other point on the line of road, where the directors may think proper to establish, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and structures as they may deem expedient for the safety of and the construction of carriages and other necessities; and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to build and maintain, over such rivers, creeks or streams and may cross, such piers, bridges and other facilities as they think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, the

Province.

company, whenever it may become necessary to cross any river or creek with their road, shall construct adequate bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

*And be it enacted*, That the president and directors of the company shall declare and make such dividends as they may think prudent and proper, from time to time, out of the profits of the said railroad.

Dividends.

*And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to enter into contracts and engagements with any other corporations or individuals, for transporting or conveying any goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contract.

May make contracts and engagements.

*And be it enacted*, That if any person shall wilfully injure, destroy or obstruct the use of the railroad under the provisions of this act, or of any other necessary works, wharves, bridges, carriages or machines, such persons so offending, shall forfeit and pay to the company, the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction in an action of damages, and further, shall be liable for all damages.

Penalty for injuring works.

*And be it enacted*, That when two miles or more of the railroad shall be completed, the said company may commence running cars for the transportation of passengers and freight, and shall have all the privileges, and subject to the restrictions imposed by this act.

When to commence running cars.

Annual state-  
ment.

State tax to be  
paid.

May issue  
bonds.

Proviso.

16. *And be it enacted*, That as soon as said railroad, or any part of it, is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January, of each year, he shall, under oath, make a statement to the secretary of state of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday of January of each year, and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law, the payment of the one-half of one per centum shall be in lieu of all other taxes; and until said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, not to exceed two thirds of the paid up capital stock, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof, by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

18. *And be it enacted*, That if the said railroad shall not

menced within five years, and be completed at the ex-  
 n of ten years from the fourth day of July next ensu-  
 at then and in that case this act shall be void.

*And be it enacted*, That this act shall take effect imme-

proved March 29, 1872.

## CHAPTER CCCCXXV.

et to incorporate the Crooks Land Improvement and  
 Building Association of New Jersey.

BE IT ENACTED *by the Senate and General Assembly of*  
*State of New Jersey*, That James Crooks, Charles Hem-  
 y, Shem Phillips, George H Albutt and Robert A.  
 and all such persons as may hereafter be associated  
 them, their successors and assigns, shall be and they are  
 constituted a body corporate and politic, in fact and  
 by the name of "The Crooks Land Improvement and  
 ng Association of New Jersey;" and by that name  
 e capable in law of purchasing, using, holding, letting,  
 ing, disposing of, and conveying any lands, tenements,  
 taments and appurtenances thereto belonging, goods  
 attels, and of performing all other acts necessary or  
 for accomplishing the objects and purposes of the cor-  
 on hereby created, and may receive and make all deeds,  
 ers, conveyances, covenants, grants, contracts, agree-  
 and bargains whatsoever, necessary or useful for the  
 es aforesaid; and may improve any such lands and  
 state of which they may become possessed, by laying  
 e same in lots, plots, or parcels, by erecting buildings  
 ry kind and description thereon, and by opening, lay-  
 ut and grading roads, streets and alleys therein, and  
 therwise improve and beautify the same.

*And be it enacted*, That the capital stock of the said  
 ration shall be one hundred thousand dollars, with the

power to increase the same to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons before named, or a majority of them, may open books of subscription for the said capital stock, at such times and places as they may think proper; and as soon as one hundred shares of the said capital stock shall have been subscribed and paid in, it shall be lawful for the said corporation to proceed to carry into effect the objects of said corporation.

Election of directors.

3. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by a board of not less than three, nor more than five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices, respectively, for one year and until others are elected; that the said directors shall be chosen on the first Monday in January of each year, except that the first election for directors may be held on the first Monday in May after the passage of this act, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote; and notice of the time and place of such elections shall be published not less than two weeks previous thereto, in at least one newspaper published in the county where such election is to be held, and the persons having the greatest number of votes shall be directors.

Powers of directors.

4. *And be it enacted*, That the said directors, or a majority of them, shall be competent to transact all business of the said corporation, and may appoint such agents, officers and superintendents, and make such compensation and assign such duties to said agents, officers and superintendents, as they shall think fit; and shall have power to call in and demand from the stockholders thereof, respectively, the capital stock of said corporation, by such installments, not exceeding ten dollars on each share at any one time, and at such times as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur a forfeiture of his or her share or shares, and all

Failure to pay installments, stock may be forfeited.



s payments made thereon for the use of the com-  
 and the said directors may make and prescribe such  
 , rules and regulations as to them shall appear May make by-  
 laws.  
 or proper for the management and disposition of the  
 y, stock, effects and concerns of the said corporation;  
 d, that the same are not contrary to the laws or con- Proviso.  
 n of the United States or of this state; and if at any  
 shall happen that any vacancy or vacancies occur  
 y cause whatever among the directors of said asso-  
 such vacancy or vacancies shall be filled by such Vacancies,  
 how filled.  
 or persons as the remainder of the directors or a ma-  
 f them shall appoint; and until other directors are  
 from the stockholders, the persons named in the first  
 of this act shall be the first directors, and shall hold  
 fice until the first Monday in May next, or until others  
 ally chosen.

nd be it enacted, That it shall be lawful for the said May invest  
 capital and  
 funds  
 ion to invest their capital and accumulating funds  
 me to time in public stocks, bonds and mortgages,  
 nd other securities; and that the capital stock of the  
 ociation shall be deemed personal property, and the  
 thereof shall be transferable only on the books of the  
 ion in such manner as the directors by their by-laws  
 rect.

nd be it enacted, That in case it shall at any time Failure to  
 hold election  
 not to dissolve  
 that an election of directors shall not be made on the  
 en pursuant to this act it ought to have been made,  
 l corporation shall not for that cause be deemed to be  
 d, but it shall and may be lawful to hold such election  
 other day as the directors of said corporation for the  
 ing shall direct.

nd be it enacted, That the said corporation may be How dissolved  
 d by a general meeting of the stockholders, for that  
 especially called; *provided*, that at least three- Proviso.  
 in value of the stockholders shall concur therein;  
 on such dissolution the directors for the time being  
 trustees for settling all the affairs of the said cor-  
 , collecting and dispoing of its property and assets,  
 its debts, and dividing the surplus among the stock-  
 in proportion to their respective interest in the stock.  
 nd be it enacted, That this act shall take effect imme-

oved March 29, 1872.



description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing, under the oaths and affirmations of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in controversy, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the said company for such lands or materials, and damages aforesaid; which report shall be made in writing, under the hand and seal of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and the oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of

owner or owners to recover the amount of said valuation interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against any, if they shall neglect or refuse to pay the same within ten days after demand made of their treasurer; and the said owners shall from time to time constitute a lien upon the property of any in the nature of a mortgage; and the said court shall on application of either party on reasonable notice to the other, tax and allow the said fees, and expenses, to the justice of the supreme court, commissioners, clerks, and other persons performing the said duties prescribed in this section, as they or he may think equitable and right, which shall be paid by the

*be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be in writing, and in the form of a petition to said court, to be filed with the clerk of said circuit court of the county in which the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing of such appeal, in which proceeding shall vest in the circuit court full power to hear and adjudge the same, and to direct the issue for the trial of the said controversy to be taken between the said parties; and to order a jury to be summoned to view of the premises or materials to be had; and the said issue to be tried at the next term of said court, to be held in said county, upon the like notice and in the same manner as other issues in the said court are tried; and the duty of the said jury to assess the value of the land or materials, and damages sustained, and if they find that a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment, with costs, shall be entered against the said owner or owners, and execution awarded therefor; but if the said court shall find that a less sum than the said commissioners shall have awarded, or a less sum than the company shall have awarded, then the said costs shall be paid by said applicant or applicants, and either deducted from the said sum found by the said jury, or execution awarded against the said company shall be directed; but such application shall not be made until the company from taking the said land and upon filing the aforesaid report; *provided*, that in

Proceedings  
in case of ap-  
peal.

Provided.

no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railway, or of making any erections or improvements whatever, or otherwise appropriating said land to the use of said company, until they shall have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as to the value of said lands or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case an appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of said commissioners; *provided further*, that in case of appeal from the award of the commissioners by either party, the said company, upon depositing the amount in the said circuit court to abide the result of such appeal, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

Proviso.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair the said railroad good and sufficient bridges or passages over or under where any public or other road shall cross the same, and to alter and grade the said roads so that the passage of carriages, horses and cattle, passing and repassing, shall not be impeded thereby; and also, where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that the same may be conveniently passed.

May purchase equipments.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or vehicles, for the transportation of

or any species of property on their railroad, as they think fit, reasonable, expedient or right.

*And be it enacted*, That the said company may purchase and hold real estate, at the commencement and May hold real or personal estate, &c.

of their railroad, or at any other point on the line of road, where the directors may think proper to establish, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and structures as they may deem expedient for the safety of and the construction of carriages and other necessities; and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to build and maintain, over such rivers, creeks or streams and may cross, such piers, bridges and other facilities as they think expedient and necessary for the full enjoyment of the benefits conferred by this act; *provided*, the Proviso.

company, whenever it may become necessary to cross any river or creek with their road, shall construct and maintain bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

*And be it enacted*, That the president and directors of the company shall declare and make such dividends as they may think prudent and proper, from time to time, out of the profits of the said railroad. Dividends.

*And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter, to make contracts and engagements with any other corporations or individuals, for transporting or conveying any goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contract. May make contracts and engagements.

*And be it enacted*, That if any person shall wilfully injure, destroy or obstruct the use of the railroad or the works under the provisions of this act, or of any other necessities, wharves, bridges, carriages or machines, such persons so offending, shall forfeit and pay to the company, the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction in an action of damages, and further, shall be liable for all damages. Penalty for injuring works.

*And be it enacted*, That when two miles or more of road shall be completed, the said company may commence running cars for the transportation of passengers and freight, and shall have all the privileges, and subject to the restrictions imposed by this act. When to commence running cars.

Annual state-  
ment.

State tax to be  
paid.

May issue  
bonds.

Proviso.

16. *And be it enacted*, That as soon as said railroad, or any part of it, is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January, of each year, he shall, under oath, make a statement to the secretary of state of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday of January of each year, and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law, the payment of the one-half of one per centum shall be in lieu of all other taxes; and until said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, not to exceed two thirds of the paid up capital stock, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof, by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

18. *And be it enacted*, That if the said railroad shall not

commenced within five years, and be completed at the expiration of ten years from the fourth day of July next ensuing; and if not so completed, then and in that case this act shall be void.

*And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXXV.

Act to incorporate the Crooks Land Improvement and Building Association of New Jersey.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That James Crooks, Charles Hemmery, Shem Phillips, George H. Albutt and Robert A. [Name and powers-] [Corporators-] [and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Crooks Land Improvement and Building Association of New Jersey;" and by that name they shall be capable in law of purchasing, using, holding, letting, conveying, disposing of, and conveying any lands, tenements, appurtenances and appurtenances thereto belonging, goods, chattels, and of performing all other acts necessary or proper for accomplishing the objects and purposes of the corporation hereby created, and may receive and make all deeds, contracts, conveyances, covenants, grants, contracts, agreements and bargains whatsoever, necessary or useful for the purposes aforesaid; and may improve any such lands and estate of which they may become possessed, by laying out the same in lots, plots, or parcels, by erecting buildings of every kind and description thereon, and by opening, laying out and grading roads, streets and alleys therein, and may otherwise improve and beautify the same.

*And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, with the



power to increase the same to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons before named, or a majority of them, may open books of subscription for the said capital stock, at such times and places as they may think proper; and as soon as one hundred shares of the said capital stock shall have been subscribed and paid in, it shall be lawful for the said corporation to proceed to carry into effect the objects of said corporation.

Election of directors.

3. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by a board of not less than three, nor more than five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices, respectively, for one year and until others are elected; that the said directors shall be chosen on the first Monday in January of each year, except that the first election for directors may be held on the first Monday in May after the passage of this act, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote; and notice of the time and place of such elections shall be published not less than two weeks previous thereto, in at least one newspaper published in the county where such election is to be held, and the persons having the greatest number of votes shall be directors.

Powers of directors.

4. *And be it enacted*, That the said directors, or a majority of them, shall be competent to transact all business of the said corporation, and may appoint such agents, officers and superintendents, and make such compensation and assign such duties to said agents, officers and superintendents, as they shall think fit; and shall have power to call in and demand from the stockholders thereof, respectively, the capital stock of said corporation, by such installments, not exceeding ten dollars on each share at any one time, and at such times as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur a forfeiture of his or her share or shares, and all

Failure to pay installments, stock may be forfeited.

payments made thereon for the use of the company, and the said directors may make and prescribe such rules, regulations and orders as to them shall appear proper for the management and disposition of the property, stock, effects and concerns of the said corporation; and that the same are not contrary to the laws or constitution of the United States or of this state; and if at any time shall happen that any vacancy or vacancies occur by the death, resignation or removal of any director, or by any cause whatever among the directors of said association, such vacancy or vacancies shall be filled by such directors or persons as the remainder of the directors or a majority of them shall appoint; and until other directors are appointed from the stockholders, the persons named in the first section of this act shall be the first directors, and shall hold office until the first Monday in May next, or until others are lawfully chosen.

May make by-laws.

Proviso.

Vacancies, how filled.

*And be it enacted*, That it shall be lawful for the said directors to invest their capital and accumulating funds in any manner or mode to time in public stocks, bonds and mortgages, and other securities; and that the capital stock of the said association shall be deemed personal property, and the same shall be transferable only on the books of the association in such manner as the directors by their by-laws may direct.

May invest capital and funds.

*And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day appointed pursuant to this act it ought to have been made, and the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on any other day as the directors of said corporation for the time being shall direct.

Failure to hold election not to dissolve.

*And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders, for that purpose specially called; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock.

How dissolved.

Proviso.

*And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXXVI.

An Act for the relief of James H. Butler, Adolphus Wanamaker and Conrad Wanamaker.

Citizenship  
restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James H. Butler, Adolphus Wanamaker and Conrad Wanamaker, of Bergen county, be and they are hereby restored to all their rights and privileges as citizens of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXXVII.

Supplement to an act entitled "An Act to incorporate the Shamrock Benevolent Society of the City of Newark."

Act renewed  
and extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the Shamrock Benevolent Society of the City of Newark," approved March first, in the year eighteen hundred and fifty-one, be and the same is hereby renewed and extended to the first day of March, in the year eighteen hundred and ninety-three.

Powers con-  
tinued.

2. *And be it enacted*, That all the powers and privileges conferred by the act to which this act is a supplement, and all by-laws adopted under the same, shall be and continue in full force and effect, except such of said by-laws as shall be duly repealed and rescinded.

Officers.

3. *And be it enacted*, That all officers of said society shall continue to hold their respective offices until the term for

they shall have been elected shall expire, and a successor or successors to such office or offices respectively shall be duly elected.

*And be it enacted*, That this act shall be a public act, <sup>Act. how construed.</sup> at the same be in all courts construed favorably to the special purposes of the act to which this is a supplement, shall take effect immediately.  
 Approved March 29, 1872.

## CHAPTER CCCCXXVIII.

Further Supplement to an act entitled "An Act to incorporate the Dime Savings Institution, of Newark, New Jersey," approved March tenth, eighteen hundred and eighty-four.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That "The Dime Savings Institution, in addition to the power and authority already conferred upon them, may receive, for safe keeping, upon such terms and conditions, and for such consideration as they from time to time determine, specie or bullion, gold or silver plate, promissory notes, bonds, mortgages and coupons, paper money, negotiable, receivable, title deeds, and all personal securities, and property of every kind whatever. <sup>Additional powers.</sup>

*And be it enacted*, That so much of the sixth section of the act as prohibits compensation for actual services performed for said corporation, is hereby repealed, <sup>Repealer.</sup> and all compensation to be allowed shall be first determined upon by the directors of managers at their meetings.

*And be it enacted*, That this act shall take effect immediately.

Approved March 29, 1872.

## CHAPTER CCCCXXIX.

An Act to repeal an act entitled "An Act in relation to streets in Union township, in Union county," approved March twenty-ninth, eighteen hundred and seventy-one.

**Repealer:** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act in relation to streets in Union township, in Union county," approved March twenty-ninth, eighteen hundred and seventy-one, be and the same is hereby repealed.

**Repeal not to impair contracts.** 2. *And be it enacted*, That this repeal of said act shall not in any way affect or impair any legal contracts which the board of commissioners of public roads of the south-easterly road district of the township of Union in the county of Union, have made, and which may remain unexecuted in whole or in part, at the time of the passage of this act, or any indebtedness contracted by said commissioners for improvements made under said act; but the township committee of the said township of Union, and their successors, shall have power, and they are hereby authorized to compromise and settle with the contractors, if possible, on such reasonable terms as in their judgment they may deem for the best interests of the district, or if a settlement cannot be made, then to carry out and complete all such legal contracts which the said commissioners of public roads have heretofore made, and which remain unexecuted in whole or in part, at the time of the passage of this act; and to pay all just debts contracted by said commissioners for improvements under said act; and in order that the said township committee and their successors may be enabled to discontinue, settle or complete such unexecuted contracts, and pay such indebtedness if any, they are hereby authorized to borrow such sums of money as may be necessary for that purpose, and to provide for the payment of said sums so borrowed, by the issue of the bonds of said township; said bonds to bear interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be payable at such times as shall be designated on the face thereof, not exceeding six years, and

**May borrow money and issue bonds.**

sold by the said township committee at public or sale, at not less than ninety-five per centum of their value.

*And be it enacted*, That where in any case the said commissioners of public roads shall have heretofore completed assessments in said "South-easterly Road District of the Township of Union, in the county of Union," or shall, at the time of the passage of this act, have such improvements in said district, and such assessments for the same, as are made and uncompleted, and the assessments for the expense of the same shall not have been made or completed, the said township committee shall proceed to carry out and complete unexecuted contracts of said commissioners for said public roads, that then and in such cases the same powers and authority shall be conferred on the said township committee and their successors, to cause to be made assessments for the same, and to be completed such as are partially made and not completed, and to be made such as shall be necessary for the payment of the expenses of carrying out and completing such contracts of the said commissioners of public roads as the said township committee are hereinbefore authorized and empowered to carry out and complete, as any person appointed by said commissioners of public roads heretofore had, by virtue of the act repealed, to make such assessments, or as the said commissioners of public roads by the act heretofore had for the collection of the same, and the cost and expenses attending the collection of such assessments shall be a lien from the date of the approval of the same by the said township committee, or their successors, and said assessments shall be made in the same manner as heretofore made, and shall have the same force and effect, and be in effect as valid as if the same had been made under and in accordance with the provisions of the act hereby repealed, as if the act had not been passed; and the same powers and authority are hereby conferred upon the said township committee and their successors, to enforce the said assessments and collection thereof, and of all assessments provided for in the act, and of all legal assessments heretofore made under the authority of the act hereby repealed, as was conferred upon the said commissioners of public roads by the act hereby repealed.

Expense of  
unfished im-  
provements to  
be assessed  
and collected.

Assessments  
made valid.

*And be it enacted*, That all the books, maps, vouchers, receipts, and other papers and documents, of every kind and description, in the possession or under the control of the said

Books, &c., to  
be delivered  
over.



commissioners of public roads, shall forthwith be delivered over to and placed in the possession of the town clerk of said township of Union, there to remain, for the use of said township.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1872.

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#### CHAPTER CCCCXXX.

An Act for the relief of Naomi Watson, of Gloucester county, widow of a soldier of the war of eighteen hundred and twelve.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ninety-six dollars be paid by the treasurer of this state to Naomi Watson, widow of a soldier of the war of eighteen hundred and twelve, upon the passage of this act; and at the rate of ninety six dollars per annum thereafter be paid to her, quarterly, during her lifetime.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1872.

## CHAPTER CCCCXXI.

et to repeal the act entitled "An Act authorizing the removal of the milldam within the limits of the townships Bridgewater and Piscataway, in the counties of Somerset and Middlesex," approved March twenty-eighth, eight hundred and seventy-one.

EAS, it has been represented that the carrying the Preamble.  
ve mentioned act into effect, in the way and after the manner designated in said act, would work gross injustice the inhabitants of the district in said act specified, in compelling some of them to pay for the removal of said dam without receiving any corresponding benefit, and in imposing no appeal to the inhabitants of said district who may have been assessed under said act from such assessment, however much they may consider themselves to be aggrieved thereby; therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act author- Repealer.  
the removal of the milldam within the limits of the townships of Bridgewater and Piscataway, in the counties of Somerset and Middlesex," approved March twenty-eighth, in the year one thousand eight hundred and seventy-one, be and the same is hereby repealed.

*And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1872.

## CHAPTER CCOCXXXII.

An Act respecting the lines of wharves, docks, slips and piers on the Passaic river, in the counties of Essex and Hudson.

Preamble.

WHEREAS, The commercial interests of the counties of Essex and Hudson will be promoted by the fixing and establishing of certain definite lines for the construction of wharves, docks, slips and piers along the Passaic river in said counties; therefore,

Commissioners to fix and determine lines for erection of docks, wharves, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron B. Baldwin, Oba Meeker and Edgar Farmer, residents and freeholders of Essex county, and John A. O'Neil, John Boyd, junior, and William H. Hamilton, residents and freeholders of Hudson county, be and they are hereby appointed commissioners, with full power and authority to fix, establish and determine permanent and proper lines for the erection of wharves, docks, slips and piers at and beyond low water mark on both sides of said Passaic river, within the limits of the said counties of Essex and Hudson where the same has not been already fixed by the boards of chosen freeholders of Essex and Hudson counties.

May employ surveyors, &c.

2. *And be it enacted*, That the said commissioners above named shall fix, establish, and determine said lines as soon as practicable after the passage of this act; and to that end they are hereby authorized and empowered to employ such surveyors and such other assistance, and cause such survey to be made as they may deem necessary for the full and complete carrying out of the provisions and requirements of this act.

Map and profile to be made and filed.

3. *And be it enacted*, That when said commissioners have finally fixed and established said lines, or any section thereof, they shall cause two copies of a suitable map and profile of the same to be made, which shall be certified and signed by said commissioners, or a majority of them, and filed, one copy in the office of the county clerk of Essex county, and one copy in the office of the county clerk of Hudson county;

when said lines, or any section thereof, have been fixed, published and determined, and said maps and profiles, or of them have been made, certified, signed and filed as said, the lines as laid down thereon shall be and remain true and proper established lines for the erection of wharves, docks, slips and piers on said Passaic river, in both either of said counties.

*And be it enacted,* That all the cost expenses and Costs and expenses, by whom paid. incurred in carrying out the provisions and requirements of this act shall be assumed and paid in equal proportions, by the boards of chosen freeholders of the said counties of Essex and Hudson.

*And be it enacted,* That said commissioners shall each Compensation receive, as full compensation therefor, the sum of three dollars for each and every day they shall be necessarily employed in performing the duties required of them by this act, the same to constitute a part of the costs, expenses and charges named in the foregoing section; and said commissioners shall, before they enter upon their said duties, take Commissioners to take oath. subscribe, in duplicate, an oath or affirmation before a justice of the peace, or some other person authorized to take oaths and affirmations in this state, faithfully and impartially execute and perform all the duties required of them under this act, according to the best of their judgment, skill and understanding, one copy of which said oath or affirmation shall be filed in the office of the county clerk of Essex county, and one copy in the office of the county clerk of Hudson county.

*And be it enacted,* That the directors of the boards of Vacancies, how filled. chosen freeholders of said counties of Essex and Hudson are hereby empowered and authorized to fill any vacancy or vacancies caused by death, resignation or otherwise, which may occur among the said commissioners from their said counties respectively.

*And be it enacted,* That nothing in this act contained shall be construed to authorize any person or persons to erect wharves, docks, slips or piers, along the Passaic river, without obtaining license therefor as now required by law. No person to erect docks, &c., without license.

*And be it enacted,* That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

9. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.  
Approved April 1, 1872.

## CHAPTER CCCCXXXV.

A Further Supplement to the act entitled "An Act to incorporate Morristown."

Amendment. 1. *BE, IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A Further Supplement to the act entitled 'An Act to incorporate Morristown,'" approved March sixth, eighteen hundred and seventy-two, be amended by adding to section two, the following: "*provided however*, that no street, alley or highway in said town shall be opened, widened or straightened, unless the ordinance for that purpose shall be passed by a two-third vote of the common council;" and also further amended by striking out section six, and adding the following sections:

Ordinances to be approved by the mayor. 6. *And be it enacted*, That all ordinances hereafter passed by the common council of Morristown shall be approved and signed by the mayor within twenty days of the passage thereof, otherwise the same shall be null and void and of no effect whatever.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCXXXVI.

Further Supplement to the act entitled "An Act to incorporate Washington, in the county of Warren, into a borough or town corporate," approved February twentieth, eighteen hundred and sixty eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of effectually supplying with water the borough of Washington, its vicinity and the inhabitants thereof, it shall and may be lawful for the mayor and common council of said borough, and they are hereby empowered to make contracts with persons and corporations for the supply, use and preservation of water, and to erect, construct and maintain all works necessary and convenient for the purposes of this act and the act to which this act is a supplement, and to lay down pipes and other conduits, and to erect and construct hydrants and fireplugs in the streets, alleys, lanes and other places in the borough of Washington, and in the highways of the township of Washington, in the county of Warren, and to do all things necessary to furnish the said borough of Washington and its vicinity, and the buildings, streets and other places, with water; *provided*, that the public travel upon the said highways, streets, lanes and alleys shall at no time be unnecessarily obstructed or impeded in the laying, altering or repairing of pipes, or the erection and construction of fireplugs or hydrants, or other necessary or proper work, and after the completion of any work, the streets, side and crosswalks shall be left in as good condition as the same were before the commencement of any such work, and no private lands shall be in any way injured or defaced without permission from the owner or owners thereof.

Mayor and council empowered to make contracts for supply of water, and to erect works, &c.

Proviso.

2. *And be it enacted*, That if it should become necessary, in the opinion of the mayor and common council, to lay pipes through any private lands, or the lands of any corporation in the county of Warren, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof as

Proceedings in case owners and council cannot agree.



to the amount of compensation to be paid for the laying said pipes through the said lands, or the price of such lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as the said mayor and common council may deem reasonable, or by reason of the absence or legal disability of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state, upon the application to him by said mayor and common council, or in their behalf, and after ten days' previous notice in writing of such application to the persons or corporation interested, if known and in this state, or if unknown or out of the state, after publication thereof for any time not less than twenty days in any newspaper published in the county of Warren, to appoint three disinterested appraisers from the county of Warren, to determine the compensation to be paid for the laying said pipes through said lands, or the price to be paid for said lands, as the case may be; and it shall be the duty of the said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises), within twenty days after their appointment, to deliver to said mayor and common council a written appraisalment, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs, or other works, which appraisalment the said mayor and common council shall cause to be recorded in the registry of deeds for the county of Warren; and upon payment or tender by the said mayor and common council, to such owner or owners, as aforesaid, or some one of them, of the sum awarded in such appraisalment, if any, then the said mayor and common council shall have the right to lay said pipes through the lands aforesaid, or the said borough shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be a feme covert, under age, non compos mentis, or out of the state, then, and in every such case, it shall be sufficient for said mayor and common council to pay the amount which may have been appraised as aforesaid into the court of chancery of this state, subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all such proceeding

shall be taxed by the said justice of the supreme court, and  
by the said mayor and common council.

*And be it enacted,* That in case the said mayor and  
common council, or the owner or owners of said land shall be  
satisfied with the award of the appraisers mentioned in the  
ceding section, and shall apply to the justices of the su-  
me court, at the next term after filing the said award, the  
court shall have power, in good cause shown, to set the same  
aside, and thereupon to direct a proper issue for the trial of  
said controversy to be formed between the said parties,  
to order a jury to be struck and view of the premises to  
be had, and the said issue to be tried at the next circuit court  
to be holden in said county of Warren, upon the like notice  
as in the same manner as other issues in the said court are  
tried; and it shall be the duty of the said jury to assess the  
value of the said land or damages aforesaid sustained, and if  
they shall find a greater sum than the said appraisers shall  
have awarded in favor of the said owner or owners, then judg-  
ment therefor, with costs, shall be entered against the said  
owner or owners, and execution awarded therefor; but if the said  
jury shall be applied for by the said owner or owners, and  
they shall find the same or a less sum than the mayor and common  
council shall have offered or the said appraisers awarded,  
then the said costs to be paid by said applicant or applicants,  
shall either be deducted out of the said sum found by the said  
jury, or execution awarded therefor, as the court shall di-  
rect; but such application shall not prevent the directors  
from taking or laying pipes through said lands, upon the  
award of the appraisers, the value or damages being first paid,  
upon a refusal to receive the same upon a tender thereof,  
the owner or owners thereof being under any legal disa-  
bility, the same being first paid into the court of chancery.

*And be it enacted,* That if any person shall wilfully do  
cause to be done any act or acts whatever to injure the  
water, or any engine, machine, reservoir, pipe, fireplug, hy-  
drant, structure or fixture whatsoever, or anything apper-  
taining to the works of the said borough, or whereby the same  
may be obstructed, stopped or injured, or shall wilfully and  
unlawfully draw off or waste the water from any fireplug or  
hydrant, every person so offending shall be deemed guilty of  
a misdemeanor, and on being thereof convicted shall be pun-  
ished by fine not exceeding five hundred dollars, or imprison-  
ment in the county jail for any time not exceeding six months,

Proceedings in  
case owners or  
council shall  
be dissatisfied  
with award.

Penalty for in-  
juring works.

**Proviso.** or both; *provided*, that such criminal prosecution shall in no wise impair the right of action for damages by civil suit, and the said borough are hereby authorized to bring an action and recover damages by a civil suit for any such injuries aforesaid by and in the corporate name of the said borough, in any court in this state having cognizance of the same.

**Repealer.** 5. *And be it enacted*, That so much and such parts of acts as are inconsistent with the provisions of this act, be and the same are hereby repealed.

**May borrow money.** 6. *And be it enacted*, That to enable the borough of Washington to provide the necessary supply of water as aforesaid, it shall be lawful for the mayor and common council of said borough to borrow a sum of money not exceeding twenty thousand dollars, to be used by them, or so much thereof as may be necessary to provide the necessary supply of water in the manner directed in the foregoing sections of this act; and the mayor and common council of said borough are hereby authorized to issue bonds of said borough for the payment of money so borrowed, in sums not exceeding three thousand dollars each, to bear interest at the rate of seven per centum per annum, payable at such times and in such installments as the said mayor and common council shall deem advisable, but such time not to be more than twenty years from the date thereof; *provided*, such bonds shall not be sold or transferred by the said mayor and common council at less than the par value thereof.

**May issue bonds.**

**Proviso.**

**Payment of bonds.**

7. *And be it enacted*, That it shall be lawful for the mayor and common council of said borough to provide for the payment of such bonds and the interest by taxation at the same time and in the same manner that other annual taxes are assessed and collected in said borough, in such sums and installments as the said mayor and common council shall deem proper.

**Location of buildings regulated by ordinances.**

8. *And be it enacted*, That it shall be lawful for the mayor and common council of said borough to regulate by ordinance the location of buildings in the public streets and alleys of said borough for the purpose of making, preserving and maintaining a uniformity and directness of line in the buildings erected or to be erected along all public streets and alleys, and to cause all buildings erected or which may be erected out of the line established or now occupied by the buildings in any such streets and alleys to be removed and placed in proper line at the expense of the owner thereof,

n such building has been so erected, out of line as afore-  
 , after notice to the owner by the authorities of said  
 ough that the same is being so erected out of line.

. *And be it enacted, That it shall be lawful for the mayor* Common seal.  
 common council of the borough of Washington to make,  
 pt, have and use a common seal for said borough, and to  
 nge and alter the same at any time.

0. *And be it enacted, That this act shall take effect on*  
 after the fifteenth day of April, eighteen hundred and  
 enty-two.

Approved April 2, 1872.

## CHAPTER CCCCXXXVII.

Act to appoint commissioners to superintend the drainage  
 and improvement of certain bog meadows and low lands  
 lying in the township of Lafayette, in the county of Sussex.

WHEREAS, it is represented to the legislature, that there are Preamble.  
 several hundred acres of bog meadow and low lands situate  
 in the northeastern part of the said township of Lafayette,  
 known as the "Lafayette Bog Meadows," now of very  
 little value to the owners thereof for want of proper drain-  
 age; therefore,

. BE IT ENACTED *by the Senate and General Assembly of*  
*State of New Jersey,* That Richard Vaughan, Joseph V. Commission-  
 ught, George G. Struble, Charles Mackerly and Joseph ers to dig and  
 n Blarcom, are hereby appointed commissioners for the repair drains  
 pose of contracting with or employing one or more per- and water  
 s to dig, excavate, clear out, widen, deepen, mend and courses.  
 air all such watercourses, ditches, outlets and drains, now  
 part constructed and made, and, also, to dig, excavate,  
 ar out, and make all such other additional watercourses,  
 es, and drains necessary to effectually drain and carry  
 the water from the lands hereinbefore and hereinafter  
 scribed, and including the southerly side of said bog

meadow, and to do all the acts necessary to carry out the objects and purposes of this act.

Description of  
drain.

2. *And be it enacted*, That the said drain shall commence at or near the centre of a bridge over a brook, running out of said large bog meadow, in the township of Lafayette, in the county of Sussex, on the land of Morris Sharp, and in the road leading from the residence of Joseph V. Vought to the village of Lafayette, and thence following mainly in a northeasterly direction along a watercourse to the main ditch or watercourse of said bog meadow; and thence continuing in a northeasterly direction along said main ditch or watercourse until it reaches the outlet of the "pond meadow," on land of Alexander H. Roe, and to extend to other ditches, watercourses, and drains emptying into the said main ditch and outlet, to drain the low land and bog meadows on either side of said main ditch and outlet.

May enter on  
lands.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power and authority to enter upon said lands at any time, and at all times to ascertain the width, depth and grade of such watercourses, outlets and drains already in part made and constructed, and to ascertain the necessary changes and alterations to be made in the width, depth and capacity of the same, and also, to ascertain the proper width, depth and grade of such other watercourses, ditches and drains which, in their judgment, or in the judgment of a majority of the said commissioners, shall be necessary to be made to make the drainage effectual; and the said commissioners, or a majority of them, shall have full power and authority to superintend the alteration and construction of said watercourses, ditches and drains, and to remove and clear all obstructions in the watercourses, ditches, outlets and out drains, in part made and constructed, and to make the same wider and deeper; and to dig, excavate and make all such other watercourses, ditches and drains necessary to be made to effectually drain the said low lands and bog meadow; and to remove the earth and other substances a sufficient distance from the banks of said watercourses, ditches, outlets and drains on the adjoining lands, to prevent the falling or washing in to obstruct said watercourses, ditches, outlets and drains, and to assess the costs and expenses of the same, and the costs and expenses of making surveys and maps of said premises, watercourses, ditches, outlets and drains as herein-after provided, together with the pay allowed said commis-

Costs and ex-  
penses to be  
assessed on  
owners.

ers for the performance of their duties under this act, upon owners of the said lands through which said watercourses, ditches, outlets, and drains are in part constructed; and on the owners of the lands through which other watercourses, ditches, and drains shall hereafter be made, and on the owners of such other lands lying immediately near watercourses, ditches, outlets and drains, and which, in the judgment of the commissioners, or a majority of them, are benefited thereby; and in making said assessments, the said commissioners shall take into consideration the costs and expenses of deepening, widening, clearing out and surveying watercourses, ditches, outlets, and drains in part made or constructed, and the same shall be assessed on each owner of said land through whose land the same are in part made, in proportion to the costs and expenses of the work necessarily done on his, her, or their land for the purposes aforesaid, together with the benefit derived therefrom; and upon the owners of such other lands lying immediately near, which, in the judgment of the commissioners or a majority of them, are benefited thereby, in proportion to the benefit derived; and the commissioners, shall also, in making said assessments take into consideration the costs and expenses of such other or additional watercourses, ditches, and drains dug, excavated and made by them, and the same shall be assessed on each owner of said land through which the same shall be made in proportion to the costs and expenses of the labor and work done on his, her, or their land, and the benefit derived therefrom, and also, upon the owners of such other lands lying immediately near the same, which, in the judgment of the commissioners or a majority of them are benefited thereby, in proportion to the benefit derived; and the said costs and expenses shall be a lien on the said lands through which the watercourses, ditches, outlets, and drains are now in part made, and on the lands through which said watercourses, ditches, or drains shall hereafter be made, and on the lands through which they are benefited; and if any person or persons shall refuse to pay his, her, or their assessment after the same shall become due and payable, and after notice of the same as hereinafter provided, the said commissioners or a majority of them shall have power and authority, after two weeks' advertisement of the same in a newspaper of said county, and after five days' notice by written or printed handbills posted in five of the most public places in said township, setting forth in

Costs and expenses to remain a lien.

Commissioners may sell lands, &c., for non-payment of assessment.



said advertisement the object of said sale, and describing the property to be sold ; to sell at public auction any crops, pasture, wood, timber or the land of the person or persons so making default as aforesaid sufficient to pay his, her, or their assessment as aforesaid, with twenty per centum additional thereto, with costs ; and on such sale or sales the said commissioners, or a majority of them, shall hereby have power and authority to make, sign, and execute all necessary writings, deeds, or conveyances to the purchaser or purchasers, and which shall vest in the purchaser or purchasers as good title as the person or persons making said default had to the same at the time of making said assessment ; and the said commissioners shall each receive for their services one dollar per day for each and every day they are actually engaged in the performance of their duties under this act.

Owners may  
do work.

4. *And be it enacted*, That the said commissioners shall have the power and authority to permit the owners of said lands, or such of them as shall desire to do the work necessary to be done on their part of said lands, in making, deepening, widening and clearing out that part of watercourses, ditches, outlets, and drains already constructed, or that shall hereafter be made through his, her, or their lands, and the same shall relieve him; her, or them so doing the same from assessment to the value of such work done ; *provided*, the same shall be done within the time required by said commissioners, and in the manner specified by them.

Proviso.

Survey and  
map now on  
file adopted.

5. *And be it enacted*, That the survey and map of a certain part of said lowland and bog meadow made by George Collver, Hazlet Slater, and Mahlon B. States, on file and of record in the office of the clerk of the county of Sussex, shall be adopted and taken by said commissioners as a survey and map of a part of said premises, with power and authority hereby conferred on said commissioners, or a majority of them, to cause to be made such additional surveys and maps of said lands, watercourses, ditches, outlets and drains, and alterations in the former survey of a part thereof, as they in their judgment shall deem necessary to effectually carry into effect the objects of this act, and the costs and expenses thereof shall be assessed and paid, as hereinbefore provided.

May make ad-  
ditional sur-  
veys and maps

Commission-  
ers to keep  
record of pro-  
ceedings.

6. *And be it enacted*, That the said commissioners, and their successors, shall, in a book kept for that purpose, keep therein a full and complete record of their proceedings ; also, copies of all contracts made by them, and a particular ac-

t of all costs and expenses, moneys received and dis-  
ed, and the valuations and assessments, and copies of  
survey and map made by them of said premises, which  
book and account shall at all times be open to the in-  
tion and examination of each and every owner of said  
and premises; and said commissioners, as soon as said  
recourses, ditches, outlets and drains shall be completed,  
lay before a committee to be chosen by the owners of  
lands, or a majority of them, the said book and accounts,  
said commissioners shall be liable for all moneys by them  
ved, but not applied for clearing out, making and repair-  
said watercourses, outlets, ditches and drains, and for the  
and expenses incident to the duties required by this act,  
shall pay the balance, if any, *pro rata* to the persons  
paid said assessments.

*And be it enacted*, That if any of the commissioners  
in named, or their successors, shall die or remove out of  
county, or shall refuse to serve, the other commissioners  
the time being, upon written request of any three owners  
said land, shall call a meeting of such owners by notices  
up in three places in the neighborhood of said owners,  
essing therein the object of said meeting, who shall, when  
appoint a person or persons to supply the place or places  
uch commissioner or commissioners so dying, removing  
refusing, and the person or persons so appointed shall have  
the power and authority hereto given to the commission-  
named in this act.

*And be it enacted*, That the said commissioners and  
r successors, before entering on their duties, shall take  
subscribe an oath to faithfully and impartially perform  
r duties under this act, and as soon as said oath shall be  
n they shall organize their commission and appoint one  
their number, who shall have the power to perform all the  
es under this act, except making contracts for drainage,  
eys and valuations of property, and assessing the costs  
expenses of said work upon the owners of the same and  
e benefited by said drainage; and the record and report  
aid commissioners shall be sufficient evidence of the in-  
edness in each case respectively, and a defence for all  
r acts done under and by authority of this act.

*And be it enacted*, That the said work and drainage  
l commence on or before the first day of September,  
teen hundred and seventy-two, and shall be completed

Liable for all  
moneys.

Vacancies,  
how filled.

Commission-  
ers to take  
oath.

May appoint  
one of their  
number to  
perform du-  
ties.

Record and  
report to be  
evidence.

Time of com-  
mencing  
work.

Costs and expenses to be assessed.

as soon thereafter as may be with due diligence of the same, and that immediately after the said work, or any part thereof shall have been completed, the costs and expenses of the same shall be assessed on the owners of the land through which the same shall have been constructed, altered, repaired, and made as aforesaid, and upon the owners of the lands benefited thereby, in the manner hereinbefore directed and provided, and which said assessment shall become due and payable upon a notice in writing of the same being served ten days upon or left at the residence of the person or persons so assessed; and that at the expiration of every five years from the first day of September, eighteen hundred and seventy-two, or sooner if necessary, the said commissioners, or a majority of them, or their successors, shall hereby have power and authority to contract with or to employ one or more persons to clear out and remove all earth, dirt, and other obstructions in the said watercourses, ditches, outlets and drains, and to assess and collect the costs and expenses from the then owners of said lands in the same manner as heretofore in this act directed and provided, and the same shall be a lien on the lands benefited thereby.

Commissioners may enter into contract or employ persons to clear out drains.

Penalty for erecting any dam across watercourses.

10. *And be it enacted*, That it shall not be lawful for any person or persons to erect any dam across said watercourses, ditches, outlets and drains, or either or any of them, or in any way place any obstructions across or in the same, or in any of them, so as to obstruct the watercourse in the same, and any person or persons so offending shall forfeit and pay for every such offence the sum of thirty dollars, to be recovered in an action of debt in any court having cognizance of the same, with costs of suits, in the name of any one or more of the said commissioners, or any one or more of their successors in office, to be appropriated by them toward the expenses of said drainage.

Commissioners to call meeting of land owners.

11. *And be it enacted*, That within ten days after the said commissioners shall have made an assessment in accordance with the provisions of this act, it shall be the duty of the said commissioners to call a meeting of the land owners embraced in this act, by notices set up in three of the most public places in the neighborhood of said owners for at least ten days prior to the time of such meeting, designating the time and place of such meeting, for the purpose of electing three commissioners of appeal, and the said owners, at the time and place of such meeting, shall elect by ballot three of their number as

commissioners of appeal, who shall, within thirty days from  
 election, take an oath well and truly to perform the  
 duties of their office, and appoint a time for revising the said  
 assessment, and give ten days' notice of their meeting, by no-  
 tice in writing, set up in three of the most public places in  
 the neighborhood of said owners, at which meeting the said  
 commissioners shall hear all parties aggrieved, and revise the  
 assessment made by said commissioners, and shall, within ten  
 days after such revision, return the said assessment to the  
 commissioners, who shall thereupon proceed to collect  
 said revised assessment, in accordance with the provisions  
 of this act.

Election of  
commission-  
ers of appeal.

Notice of  
meeting to be  
given to hear  
parties ag-  
grieved and  
revise assess-  
ments.

2. *And be it enacted*, That this act shall take effect imme-  
 diately.

Passed April 2, 1872.

## CHAPTER CCCCXXXVIII.

An Act to incorporate the Bessamer Company.

BE IT ENACTED *by the Senate and General Assembly of*  
*State of New Jersey*, That Samuel K. Wilson, Charles D. Corporators.  
 Schler and Richard McDonald, and such other persons as  
 hereafter be associated with them, shall be and are hereby  
 created a body corporate and politic, in fact and in law, by  
 the name of "The Bessamer Company," and by that name Name.  
 contract for, construct, maintain and operate works of  
 public and private improvement; and for that purpose may  
 purchase, hold, sell, convey, mortgage, lease and otherwise  
 dispose of personal or real estate.

*And be it enacted*, That the capital stock of said com- Amount of  
capital stock.  
 pany shall be fifty thousand dollars, with power to increase  
 the same as a majority of the stockholders may from time to  
 time determine, divided in shares of one thousand dollars  
 each, which shares shall be deemed to be personal property,  
 and be transferable in such manner as shall be prescribed  
 from time to time by the by-laws of the company.

Directors to  
manage af-  
fairs.

3. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, a majority of them shall be citizens of New Jersey, to be chosen annually, not less than three or more than seven in number; that said board shall organize by appointing one of their number to be president, and a suitable person to be secretary, and may appoint such officers and agents as they may deem necessary, and may fix their duties, powers and compensation, and that the persons named in the first section of this act, or a majority of them, shall, within ninety days after the passage of this act, hold an election at their office, in New Brunswick, for directors of said company, who shall continue in office from the date of said election, and until others are elected in their stead.

May make by-  
laws,

4. *And be it enacted*, That the directors from time to time may make such by-laws, rules and regulations as they may deem expedient for the government, management and disposition of the stock, effects, property, lands, profits and concerns of said company, not contrary to the constitution of this state, or the United States.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

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## CHAPTER CCCCXXXIX.

An Act to incorporate the Union Club, of the City of Elizabeth, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James T. Wiley, Anthony W. Dimock, Charles F. Davenport, James S. Myers, William D. Bruen, E. D. Weston, David D. Buchanan, A. H. Schenck, John M. Guiteau, A. M. F. Watson, and such other persons as now are or hereafter shall become members of an association in the city of Elizabeth, New Jersey, called the "Union Club," are hereby created and constituted a body corporate

the name of "Union Club, of Elizabeth," to be located in the city of Elizabeth, to promote social intercourse, mutual encouragement and intelligence, and in furtherance of these objects to have and maintain a club-house and club stables, carriages, horses and cabs, and such other property and accommodations as may be requisite or convenient for the enjoyment of the members of said corporation, and the securing of the objects hereinbefore mentioned.

2. *And be it enacted*, That said corporation shall have power to make by-laws, rules and regulations for the admission, suspension and expulsion of its members and their government, the collection of fees and dues and such other moneys as may be requisite to be collected, the number and election of its officers, and to define their duties, and for the safe keeping of its property, and from time to time to modify such constitution, by-laws, rules and regulations; the officers for the time being of the association shall be the officers of the corporation hereby created until an election shall be held pursuant to such constitution, by-laws, rules and regulations.

3. *And be it enacted*, That said corporation may purchase and hold or lease any real or personal estate necessary, proper and convenient for the purposes of its incorporation, of a value not exceeding two hundred thousand dollars, and it may create liens thereon to an amount not exceeding the value thereof.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.



## CHAPTER CCCCXL.

A Further Supplement to an act entitled "An Act to incorporate the Manalapan and Freehold Turnpike Company," approved March eighteenth, eighteen hundred and sixty-three.

May borrow  
money and  
issue bonds,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Manalapan and Freehold Turnpike Company shall have power to borrow such sum or sums of money as shall be necessary to discharge the present indebtedness of said company, in whatever form such indebtedness may now be, not exceeding the sum of ten thousand dollars, and to secure the repayment thereof by the execution and negotiation of a bond, secured by a mortgage on the said road, lands, privileges, franchises and appurtenances of and belonging to said company, which mortgage shall constitute a first lien thereon.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCXLI.

An Act to incorporate the Absecon and Somers Point Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Israel S. Adams, Job B. Somers, James S. Smith, Joseph E. P. Abbott, John Price, Pardon Ryon, David Lee, Simon Lake and Jesse Adams, and such other persons as may be hereafter associated with them, shall be and they are hereby ordained, constituted and de-

to be a body corporate and politic, in fact and in  
 by the name of "Absecon and Somers Point Railroad Name.  
 ny," and shall be capable of purchasing, holding and  
 ing any lands, tenements, goods and chattels whatso-  
 necessary and expedient for the objects of this corpora-

*And be it enacted,* That the capital stock of the said Amount of  
 ny shall be one hundred thousand dollars, with capital stock.  
 to increase to one hundred and fifty thousand  
 , which shall be divided into shares of fifty dollars  
 which shall be deemed personal property; and trans-  
 in such manner as the corporation shall by their by-  
 direct.

*And be it enacted,* That the above named persons, or a Commission-  
 ty of them, shall be commissioners to open books to re- ers to open  
 subscriptions to the capital stock of the said corporation books of sub-  
 at time and place as they, or a majority of them, may scription.  
 proper, giving at least ten days' notice in one of the  
 papers published in Atlantic county, and that at the  
 subscribing ten per centum shall be paid on each share  
 ed to the commissioners, or some of them, and when  
 thousand dollars are subscribed to the capital stock of  
 d corporation, the persons holding the same shall be,  
 ey hereby are incorporated into a company, and the  
 ssioners shall give like notice for a meeting of the  
 olders to choose not less than seven directors, a ma- Election of di-  
 of whom shall be residents and citizens of this state; rectors.  
 ch election shall be made at the time and place ap-  
 d by such of the stockholders as shall attend for that  
 e, either in person or by lawful proxy, each share of  
 pital stock entitling the holder thereof to one vote; and  
 ove named commissioners, or a majority of them, shall  
 irectors of the first election of directors of the said cor-  
 on, and shall certify under their hands the names of  
 persons duly elected, and deliver over the subscription  
 and moneys paid in to the said directors, deducting a  
 able compensation for their services; and the time and  
 of holding the first meeting of directors shall be fixed  
 said commissioners, or a majority of them.

*And be it enacted,* That the directors chosen at such a President.  
 g, and at the annual elections of said corporation, shall,  
 n as may be after every election, choose out of  
 umber a president, who shall hold office until after the

Vacancies,  
how filled.

next succeeding election, and until another shall be appointed; and they shall have power to fill any vacancy which at any time may exist in the board, by death or otherwise, until the next succeeding annual election.

Annual election.

5. *And be it enacted*, That the annual election for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election public notice as above mentioned shall be given, and such election shall be made as hereinbefore directed; and in case it shall happen that an election of the board of directors shall not be made when it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed; five directors shall be a quorum to transact all business of said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such installments and at such times

Failure to  
elect not to  
dissolve.

Provido.

as they may direct; *provided*, that such payment shall not exceed twenty dollars on each share per month, and in case of the non-payment of the said installments, or any one of them, they shall have power to forfeit such share or shares upon which said default shall arise, to and for the use of said corporation, and also to make and prescribe such by-laws and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to them, and also to the president, as to the said directors shall appear proper.

Authorized to  
survey, lay  
out and con-  
struct a rail-  
road.

6. *And be it enacted*, That the president and directors of the said corporation be and the same are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near Absecon, in the county of Atlantic, to some suitable point at or near Somers Point, in said county, the said road not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for said president and directors, their agents, superintendents, engineers and others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages

May enter on  
lands, &c.

of, doing no unnecessary damage to private or other property; and when the route of said road shall have been determined on, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use and occupy such lands, and to erect embankments, bridges, piers, and all other work necessary to lay rails, and do all other things that shall be suitable or necessary for the construction, completion and repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that no payment, or tender of payment, of all damages for the acquisition of land through which said railroad may be laid shall be made before the said company, or any person under its direction or employ, shall enter upon or break ground on the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

*And be it enacted*, That when the said company, or its agents cannot agree with the owner or owners of such real estate or lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of an engineer or proper agent of the company, and also the names or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known in this state, or, if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service and publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, to examine and appraise the said lands or ma-

Proceedings  
in case com-  
pany and own-  
ers cannot  
agree.

terials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the said company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed, within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said company.

Proceedings  
in case of ap-  
peal.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term, after the filing of the said

t, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a new issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, a view of the premises or materials to be had, and the issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said materials and damages sustained; and if they shall assess a greater sum than the said commissioners shall have allowed in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said commissioners, and execution awarded therefor; but if the said jury shall assess a less sum than the said owner or owners shall have applied for by the said owner or owners, and shall assess the same or a less sum than the company shall have allowed, or the said commissioners awarded, then the said sum shall be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such deduction shall not prevent the company from taking the same, and upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being unable to pay any legal disability, the same being first paid into the court of chancery.

*And be it enacted,* That it shall be the duty of said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where the same public or other road now or hereafter laid, shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over and under said railroad, and shall construct and maintain suitable and proper cattle guards at all road crossings.

*And be it enacted,* That the president and directors of said corporation shall have the power to have constructed, or to cause to be constructed, with the funds of the corporation, and to place on the said railroad all machinery, engines, cars, wagons, cars or vehicles, for the transportation of persons or property, and they are hereby authorized to demand and receive

May build  
bridges, &c.

May purchase  
equipments,  
and rates of  
fare.



**Proviso.** such sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying such passenger, but no charge shall be required to be less in the aggregate than ten cents; nor shall the said corporation charge more than six cents per ton per mile for the transportation of property on said road which is usually weighed by the ton; the said railroad, with its appendages, and the lands over which it shall pass, and all the works, improvements and all other property whatsoever, belonging to the corporation are hereby vested in the said corporation and their successors for and during the continuance of their charter.

**Dividends.** 11. *And be it enacted*, That the president and directors shall declare and make such dividends of the net profits thereof as they may deem prudent and proper from time to time.

**May have and hold real estate.** 12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of said road, or at any other point on the line of said road where the directors may think proper to establish depots, and may erect thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and may receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross. such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream, so as not to obstruct the navigation thereof; *provided*, that nothing in this act shall affect the rights of the state to lands lying under water.

**Proviso.**

**Proviso.**

**May make contracts.**

13. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kinds of goods, produce, freight, merchandise or passengers, and enforce the fulfillment of such contracts.

**Penalty for injuring works**

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoined under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines,

person or persons so offending, shall forfeit and pay to said company the sum of fifty dollars, to be by them received in any court having competent jurisdiction in and out of debt, and further, shall be liable for all damage.

*And be it enacted,* That as soon as said railroad <sup>Statement of costs to be made.</sup> any part of it is in operation, the president of the said

any shall make, under oath or affirmation, a statement of the amount of the costs of the said railroad, including appendages, and all expenses, and file the same in the office of the secretary of state; and annually thereon the first Monday in January of each year, he shall, under oath, make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said railroad, and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treas-

urer of this state a tax of one-half of one per centum on the <sup>State tax.</sup> value of the equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power, for that purpose, at the time of the passage of such law or laws; and until the passage of such law, the payment of the one half of one per centum shall be in lieu of all other taxes; and until the said railroad, or any part thereof, shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property now taxed in the city or cities, township or townships in which it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

*And be it enacted,* That said Absecon and Somers <sup>Authorized to issue bonds.</sup> Railroad Company shall have power to borrow such sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish said corporation with all the necessary engines, cars and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise on said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

*And be it enacted,* That the said railroad is hereby

May lease and  
consolidate  
with other  
companies. authorized to lease its railroad to (or consolidate with) any other railroad company of this state which is hereby authorized to take such lease, and operate the same for such term or times, and on such terms as the said parties may agree upon.

Bonds may be  
endorsed or  
guaranteed by  
other companies. 18. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee the bonds of the said Absecon and Somers Point Railroad, and in any other way which the parties may agree upon, aid the said company in the construction of its said railroad.

Free passes. 19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the judges of the court of errors and appeals, and other state officers, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad of said company free of charge.

Time for completion. 20. *And be it enacted*, That if the said railroad shall not be commenced within five years, and completed within ten years from the fourth day of July next ensuing, then and in that case this act shall be void.

21. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCXLII.

An Act to incorporate the New Jersey Marble Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius A. Wortendyke, Martin J. Ryerson, J. Henry Carpenter, Henry Carman, John E. Demarest, Henry W. Merrill and Robert I. Hopper, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The New Jersey Marble Company," and by that name the said company shall have power to purchase, procure and hold, mortgage,

Name and powers.

sell and convey such lands in the counties of Morris and Passaic, as may be necessary or proper for effecting the purposes of this corporation, and to open thereon mines and quarries, and to erect and construct thereon buildings and machinery for quarrying, raising, mining, manufacturing, cutting, sawing and selling marble, stone and other mineral and earthy substances; and shall have power to quarry, mine, manufacture, saw, store up, sell and otherwise dispose of marble, stone or other materials, raised, quarried, mined or manufactured, and shall have all such other powers as are conferred in the first section of the act concerning corporations.

*And be it enacted,* That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, in such manner and in such installments or installments, and upon such notice as the said corporation by their by-laws or otherwise may direct or appoint; and in case of a failure by any stockholder to pay his installment or installments, at the time and place mentioned, and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon, to the use of said corporation.

*And be it enacted,* That the capital stock of the said corporation shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation shall direct; that every share of stock shall be entitled to one vote by the holder or holders thereof, which vote shall be given in person or by proxy; and that the board of directors of said company, at any time or times hereafter, may increase their capital stock to any amount not exceeding one hundred thousand dollars.

*And be it enacted,* That the affairs of said corporation shall be managed by a board of not less than three nor more than seven directors, a majority of whom shall be a quorum for the transaction of business; but any less number shall have power to adjourn; and that said Cornelius A. Wortendyke, Martin J. Ryerson, J. Henry Carpenter, Henry Carpenter, John E. Demarest, Henry W. Merrill and Robert I. Root, shall be and are hereby appointed the first board of directors, to serve until the first Monday in May next and until they shall be elected in their stead; and the said directors, a majority of them, as soon as conveniently may be here-

Capital stock.

Stock, how transferable.

Affairs to be managed by directors.

First directors

after, shall appoint one of their number to be president of said corporation until the said first Monday in May next, and another shall be appointed in his stead; and should a vacancy at any time occur in the board of directors by death or otherwise, the board at their next or any subsequent stated meeting, may fill such vacancy until their next annual meeting for an election of directors, and no person shall be a director except a stockholder.

Vacancy, how filled.

Election of directors.

Failure to elect not to dissolve.

Dividends

Annual statement.

5. *And be it enacted*, That an annual election of directors shall be held at Paterson, in the county of Passaic, in this state, on the first Monday in May next, and that all subsequent elections of directors shall be held at such time and place in said county, and upon such notice as shall be ordained by the by-laws or otherwise appointed; and the board of directors shall appoint the judge of such elections; but should an election of directors not be had on the first Monday of May next, or at any time appointed for the holding any subsequent election thereof, the said corporation shall not for that cause be deemed dissolved, but such election may be had at such other time and place as the board of directors for the time being shall or may appoint; and in all cases the directors for the time being shall continue in office until new ones shall be elected in their stead, and every board of directors as soon as conveniently may be after their election, shall appoint from one of their number a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his place, that the president shall preside at all meetings of the board, but in case of his absence any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain, and special meetings may be held by appointment of the board or request and call of the president.

6. *And be it enacted*, That the dividends of so much of the profits of the corporation as shall appear advisable to the board of directors, shall be made and paid to the stockholders, at such times as the said board shall determine; and at each annual meeting of the stockholders, for the purpose of election of directors, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and accurate statement of the affairs of the corporation during that period, and they shall produce and exhibit to such meeting the accounts and papers of the

poration, if required so to do by any person or persons  
ing stockholders.

7. *And be it enacted*, That this act shall take effect im-  
mediately.

Approved April 2, 1872.

## CHAPTER CCCCXLIII.

An Act to incorporate the Gloucester City Savings Institu-  
tion.

1. BE IT ENACTED *by the Senate and General Assembly of  
the State of New Jersey*, That David S. Brown, George Jani-  
r, Henry N. Paul, James P. Michellon, Benjamin Chew,  
Henry F. West, William Sexton, Daniel Schofield, Samuel  
ew, and their successors, shall be and are hereby consti-  
tuted a body corporate and politic, by the name of "The  
Gloucester City Savings Institution," with power to purchase, Name and  
ke, hold, enjoy and sell, lease or otherwise dispose of any powers.  
al or personal estate which shall be necessary for the pur-  
ses herein mentioned.

2. *And be it enacted*, That the said institution shall be Board of man-  
ducted by nine managers, elected by ballot from the num-  
r of the above named incorporators, of whom five shall be a  
orum to transact business; and the seat of any manager  
o shall have neglected to attend for four successive meet-  
gs may be vacated by the board; the managers shall meet  
nually, at such time as their by-laws may designate, and  
oose one of their number president; they shall have power  
appoint a secretary, treasurer, and such other officers as to  
em shall appear necessary for conducting the business of  
e corporation; which officers, so chosen and appointed, shall  
ntinue in office one year, and until others are chosen, unless  
oner removed by the board of managers; and all officers so  
osen shall be under oath, and shall give such security as the  
ard of managers may require for the faithful performance  
the duties of their respective offices; and the managers



Vacancies,  
how filled.

shall have power to fill up by ballot any vacancy which may occur in their body or its officers, by a vote of a majority of the managers present, after five days' notice thereof shall have been given to the managers, by publication in the newspaper printed in said Gloucester City, or by notice deposited in the post office, directed to each manager, or left at his residence.

May make by-  
laws, &c.

Provides

3. *And be it enacted*, That the board of managers shall have power to make, ordain, establish and alter such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States of America; and such by-laws and regulations shall be put up conspicuously in the room where the business of said corporation shall be conducted.

May receive  
money on de-  
posit, and in-  
vest the same.

Provides

4. *And be it enacted*, That the said corporation may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest, and under such regulations as the board of managers shall from time to time prescribe; and the said corporation may accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, by will or otherwise, or by the order of any court; and it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the same rates of interest may be so regulated that the interest allowed to depositors may be less on large sums than that allowed on small sums, and that the managers shall not be required to allow any interest or dividend on account of said surplus fund for money which shall have been withdrawn from deposit.

Officers, &c.,  
not allowed to  
borrow money

5. *And be it enacted*, That the said corporation shall not issue any notes or bills, nor shall any manager, officer or agent of the said corporation, be allowed, directly or indirectly, to borrow any money from the said corporation; and all

compensation to be allowed to the managers or officers shall be fixed by the board of managers.

6. *And be it enacted*, That the said corporation may invest money in the stocks and bonds created under the laws of the United States, and in stocks and bonds issued by the states of New Jersey, New York and Pennsylvania, and the several counties, cities, towns and townships thereof, and in real estate double in value of the amount loaned above any encumbrance thereon; and may make loans on personal securities for an amount not exceeding twenty per centum of the money to be invested, with pledges of collateral securities at least equal to the amount loaned.

May invest money in stocks and bonds, &c.

7. *And be it enacted*, That all certificates or evidences of deposit, under the hand of the proper officer of the corporation, shall be as binding as if the same were made under their common seal.

Certificates of deposit binding on company.

8. *And be it enacted*, That the said corporation may pay any depositor, being a minor, such sums as may be due to such depositor, notwithstanding that no guardian may have been appointed for such depositor, and the receipt or acquittance of such minor shall be as valid as if executed by a guardian duly appointed; *provided*, that the deposit due such minor shall have been made by such minor in person, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive the interest or dividend thereon, and receive and withdraw the same; and such deposit shall not be subject to the control of the husband, or liable for his debts; nor shall moneys deposited by a single woman be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband.

Minors may give acquittance for deposits.

Proviso.

9. *And be it enacted*, That a book shall be kept at the office of the corporation in which any depositor shall be at liberty to appoint a person or persons to whom, in any event of his or her death, the money due shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed, shall be a full discharge to said corporation.

Disposition of deposits in case of death.

10. *And be it enacted*, That the corporation shall not be required to receive on deposit a less sum than one dime, nor allow interest on the fractional part of a dollar, nor for the fractional part of a month.

Interest.

11. *And be it enacted*, That all deposits and payments shall

All deposits to be entered. be regularly entered in the books of the corporation, and every person depositing shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Annual report 12. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report to the legislature of this state, under oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statement shall be published in the city of Gloucester.

Place of business. 13. *And be it enacted*, That the office or place of business of the said corporation shall be in the city of Gloucester, and the books of the corporation shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Act, how construed. 14. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said corporation in deed, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend or modify this act, and that this act shall take effect immediately, and continue in force until repealed.

Proviso.

Proviso.

Approved April 2, 1872.

## CHAPTER CCCCXLIV.

Act to incorporate the State Trust Company, of New Jersey.

- BE IT ENACTED *by the Senate and General Assembly of State of New Jersey*, That Peter Hanck, John G. Burger, Corporators. George C. Webner, John Korb, Peter Wilhelm, and Otto Antner, with all others who are or shall hereafter be associated with them, be and they hereby are, with their successors and assigns, made and established a body politic and corporate, by the name of "The State Trust Company," Name and powers. and by that name shall be capable in law to purchase and hold all kinds of property, real and personal, and the same at the pleasure to sell and convey; to sue and be sued, in all courts; to make and carry into effect all such by-laws and regulations as may be deemed expedient for the proper management of the affairs of the corporation, not repugnant to its charter, the laws of this state or of the United States, and generally to do, and cause to be done and executed, all such acts and things as may seem proper and necessary.
2. *And be it enacted*, That the corporation have power to Power to receive deposits. receive money in trust and on deposit, and to allow and pay interest on said money allowed by law; may take and receive on deposit or in custody for safe keeping, bonds, plate, jewelry, stocks and other property, upon such terms and for such compensation as may be agreed upon by both parties; and said corporation may advance moneys, securities and credits upon any property, real or personal, on such terms as may be established, not exceeding the legal rate of interest of the state of New Jersey; and the funds of said corporation may be invested and reinvested in, and loans made upon bond and mortgage on real estate within this state, and the lands of this state and the United States, cities, counties, towns and townships of this state.
3. *And be it enacted*, That it shall be lawful for the corporation hereby incorporated to take and hold any real and personal estate, in trust or otherwise, as security for or in payment of loans and debts due and to become due to said May hold real estate.

company, and to hold, lease and convey the same at pleasure.

Deposits, &c.,  
a first lien on  
stock in case  
of failure.

4. *And be it enacted*, That all the capital stock, property and estate of every description belonging to said company shall be and stand charged with the fulfilment of said trusts, and the payment of said deposits, trust and other funds as the first lien thereon, in case of the failure of said corporation; and said corporation shall at all times have a lien upon all the stock or property of its stockholders invested therein, for all debts due from them to said depositors.

Capital stock.

5. *And be it enacted*, That the capital stock of said company shall not be less than one thousand shares, of one hundred dollars each, with the privilege of increasing the same, by a vote of the directors, to any number not exceeding two thousand shares, which shall be transferable according to such rules as the directors, by their by-laws, may direct; at the time of subscribing for the capital stock of said company there shall be paid in, fifty dollars on each share, and as soon as fifty thousand (\$50,000) dollars is paid in in cash, the said company may commence business, and not before.

Commission-  
ers to receive  
subscriptions.

6. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, are hereby authorized to make and receive subscriptions to the capital stock, at such places and at such times as they see fit; and within ten days after the capital stock to the amount last aforesaid shall have been subscribed, they shall call a meeting of the stockholders for the purpose of electing nine directors and such officers as the stockholders may deem necessary, each share representing one vote; the principal office of this corporation shall be in the town of Harrison, with the privilege of keeping an office in the city of Newark, Essex county, New Jersey.

Principal of-  
fice.

Officers.

7. *And be it enacted*, That the officers necessary for the transaction of business shall receive their compensation through the board of directors, who shall have the disposal and management of all the affairs of said corporation in all cases not herein otherwise provided for.

Annual state-  
ment.

8. *And be it enacted*, That the president of said corporation, annually, on the first day of January in each year, or within thirty days thereafter, do make out, under oath, to the comptroller of this state, a statement of the amount of the capital stock, amount paid in, amount of moneys held in trust

deposit, and generally all the assets and liabilities of company.

*And be it enacted*, That this act shall take effect immediately, and may be at any time altered or amended by the future.

Approved April 2, 1872.

## CHAPTER CCCCXLV.

An Act to incorporate the Valley Express Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Hood, Calvin Corle, <sup>Corporators.</sup> Sam Sweeney, together with such persons as shall subscribe to the stock hereby authorized, and their successors, are hereby constituted a body corporate and politic, by the name of the "Valley Express Company," and <sup>Name and powers.</sup> that name shall have power to use a common seal, to sue and be sued, to defend and be defended in all courts of law and equity, for the purpose of carrying on a general forwarding and express business, in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money and other articles, from and to, and between various posts and places in this state, and beyond the limits thereof, and to do such things as are incident to a corporation, and necessary for the purposes of this act.

*And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, and shall be divided <sup>Amount of capital stock.</sup> into shares of twenty-five dollars each, and the said company shall organize and commence operations whenever ten thousand dollars shall have been subscribed to said stock; and said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid at such times, in such manner, and upon such notice, as the directors of the corporation may appoint.

*And be it enacted*, That for carrying out the purposes <sup>May purchase and hold real estate.</sup> mentioned in the first section, the said company may from



time to time procure, hold and use such vehicles, crates, cars, horses and such other personal property as may be needed by them for carrying on their business as aforesaid, and may also purchase, hold and convey so much real estate as may be considered necessary for the proper transaction of their business.

Principal of-  
fice.

4. *And be it enacted*, That the principal office of the said company shall be located in Jersey City, and the business of said corporation shall be conducted by five directors, one of whom shall be president, and one secretary and treasurer; the said directors shall hold their office one year and until others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of the corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held.

Election of di-  
rectors.

Annual state-  
ment.

5. *And be it enacted*, That at the annual meeting of the stockholders for the election of directors, the directors shall exhibit a full and complete statement of the affairs of the said company during the preceding year; and no dividends shall be declared upon the stock of said corporation, except from the net profits thereof; and this act shall continue in force twenty-five years.

Any railroad  
company may  
take stock.

6. *And be it enacted*, That any railroad company is hereby authorized to subscribe for any part of the capital stock of said corporation, not exceeding, however, the one-quarter of the whole amount authorized.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCXLVI.

plement to "An Act to incorporate the Co-operative Company of Elizabeth, New Jersey," approved February twenty-third, eighteen hundred and seventy.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last sentence of section be amended so that it shall read as follows: "They shall <sup>Amendment.</sup> highest tribunal for all complaints, and shall control business management for the interests of the company acting to the laws of the state, and report to the company annually."

*And be it enacted*, That section nine be amended so that it shall read as follows: "That all accounts shall be balanced <sup>Amendment.</sup> annually, and dividends declared according to the constitution and by laws of the company."

*And be it enacted*, That section ten be amended so that it shall read as follows: "That the regular stated meetings <sup>Amendment.</sup> of the company shall be held on the first days of February and August; <sup>Proviso.</sup> provided, that in the event of said days being a Sunday or holiday, said meeting to be held on the following day at which meetings the board of control shall make their annual reports; the meeting in February shall be the first meeting."

Approved April 2, 1872.

## CHAPTER CCCCXLVII.

Act to incorporate the Elizabeth Omnibus Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Ramsey, A. Vaughan <sup>Corporators.</sup>

- Name.** Dimock, J. Madison Watson, Isaac Davis and Edward S. Atwater, and all other persons who shall become subscribers to the capital stock, according to the mode hereinafter prescribed, and their successors, be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Elizabeth Omnibus Company," for the purpose of owning omnibusses, carriages and horses, and using the same for the carrying of passengers, and for that purpose may purchase and hold such real and personal estate as may be necessary for carrying on said business.
- Capital stock.** 2. *And be it enacted,* That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars, divided into shares of one hundred dollars each, which stock shall be transferable according to the by-laws of the said company, and shall be considered personal property; and the said company shall not commence business until ten per centum of its capital stock shall have been subscribed and paid in in cash.
- Election of directors.** 3. *And be it enacted,* That the persons above named shall constitute a board of directors, who shall manage the business of the company, all of whom shall be stockholders, one of whom shall be president, and a majority of whom shall reside in this state, and shall hold their office for one year, and until others are elected in their stead; and an election of directors shall be held yearly at such time and place, and upon such notice as the by-laws shall direct; at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him or her respectively owned; and all vacancies in the board of directors may be filled for the unexpired term by appointment to be made by the remaining directors.
- Vacancy, how filled.**
- Powers of directors.** 4. *And be it enacted,* That said directors shall have power to make the subscriptions to said capital stock payable at such times, in such installments, and under such forfeiture as they may deem expedient.
5. *And be it enacted,* That the directors shall have power to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of said corporation may require.
- Place of business.** 6. *And be it enacted,* That the office of the company shall be kept in the city of Elizabeth, where its meetings of stockholders shall be held and its business transacted.

*And be it enacted,* That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCXLVIII.

Act to incorporate the Midland Express Company.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That Samuel A. McGregor, D. B. Corporators. P. Doremus, Theo. C. Sutton, W. P. McGregor and Hewson, together with such persons as shall subscribe stock hereby, and their successors, be and are hereby constituted a body corporate and politic in law, by the name "The Midland Express Company," and by that name Name and powers. have power to use a common seal, to sue and be sued, defend and be defended, in all courts of law and equity, for the purpose of carrying on a general forwarding and express business, in the transportation of all kinds of goods, wares, merchandise, bullion, specie, money, and other articles, from, to and between various ports and places in this State and beyond the limits thereof, and to do all such things as may be incident to a corporation and necessary for the purpose of this act.

*And be it enacted,* That the capital stock of said corporation shall be twenty-five thousand dollars, with liberty to increase the same to two hundred thousand dollars, and to be divided into shares of fifty dollars each; and the company may organize and commence operations when ten thousand dollars shall have been subscribed to said stock; and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be sold in at such times, in such manner, and upon such notice as the directors of the corporation may appoint.

*And be it enacted,* That for carrying out the purposes May purchase, hold and convey real estate of this act, the said company may, from time to time, procure, hold, and use such vehicles, horses,

and such other personal property as may be needed by them for carrying on their business as aforesaid, and may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business, and no more.

Election of directors.

4. *And be it enacted*, That the business of the said corporation shall be conducted by not less than five nor more than seven directors, one of whom shall be president, one secretary, and one the treasurer; the said directors shall hold their office one year, and until others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of the said corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for every share of stock he may hold; and the principal office of this company shall be in the city of Paterson, New Jersey, where the meetings of the stockholders and directors shall be held and the books of the company be kept.

Principal office.

Annual statement.

5. *And be it enacted*, That at the annual meeting of the stockholders for the election of directors, the directors shall exhibit a full and complete statement of the affairs of the said company during the preceding year, and no dividends shall be declared upon the stock of said corporation, except from the net profits thereof; and this act shall continue in force twenty-five years.

Dividends.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCXLIX.

An Act to incorporate the Midland Passenger Transportation Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Jonah Woodruff, Delos E. Culver and George W. Hopkinson, and all such other per-

Corporators.

as may hereafter be associated with them and their successors, are hereby created and erected into a body corporate politic in deed and in law, by the name, style and title the "Midland Passenger Transportation Company," and that name shall have perpetual succession, and shall be to sue and be sued, plead and be impleaded, defend and defended in all courts of law and equity, and may make have a common seal; and said corporation is hereby authorized and empowered to make contracts with any railroad corporation or corporations, or any individual or individuals within the United States or elsewhere, for the transportation of passengers and baggage to and from any place on the line of any railroad within the United States, and consummate and carry into effect such contracts, and generally to do and perform anything and everything pertaining to the business of transportation of passengers and baggage in cars known as sleeping or parlor coaches to and in any place in the United States.

*And be it enacted,* That said corporation is hereby authorized with all the powers, privileges and immunities necessary to carry into effect the purposes of this act as herein set forth; the capital stock of said company shall consist of ten thousand shares of one hundred dollars each, with the privilege to said company of increasing the number of shares from time to time to a number not exceeding ten thousand shares of one hundred dollars each, in the manner provided in the by-laws to be adopted by the said corporation, which stock shall in all respects be deemed personal property, and shall be transferable in such manner as the laws of said corporation may provide; the persons hereinbefore named are hereby appointed commissioners, and shall be called "The Board of Commissioners of the Midland Passenger Transportation Company."

*And be it enacted,* That the first meeting of said board of commissioners shall be held at Jersey City, in the county of Hudson, at such time within three months after the passage of this act as the said commissioners shall appoint; said board shall organize, and it shall be their duty to open books, and cause books to be opened at such times and in such places as they shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on such subscriptions, and to receipt therefor; so soon as the one

Name and  
powers.

Amount of  
capital stock.

Commission-  
ers to open  
books and re-  
ceive sub-  
scriptions.



Election of directors.

thousand shares shall in good faith be subscribed for and ten dollars per share actually paid into the treasury of the company; the said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give thereof, in at least one newspaper in each city in which subscription books have been opened, at least ten days' notice previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by proxy, then and there shall elect by ballot five directors for said corporation, and in such election each share of the said capital stock shall entitle the owner thereof to one vote; the board of commissioners, or a majority of them, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at such meeting, and the said commissioners shall then deliver over to said directors all the moneys, properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate.

Annual meetings, and office

4. *And be it enacted*, That annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen), and for the transaction of business, shall be holden at Jersey City, at such time and upon such notice as may be prescribed in the by-laws; and their office and principal place of business shall be in that city, at which place, also, their books shall be kept.

Officers.

5. *And be it enacted*, That the directors chosen in pursuance of the first section of this act shall, as soon as may be after their election, elect from their own number a president and vice president, and choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors; the treasurer and secretary shall give such bonds with such security as the said board from time to time may require; the secretary shall, before entering upon his duty, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of said corporation; no person shall be a director of said company unless he shall be a stockholder and qualified to vote for directors at the election at which he shall be chosen.

Failure to elect directors not to dissolve

6. *And be it enacted*, That the president and directors shall hold their office for the period indicated in the by-laws of said company, and until others are chosen in their place

qualified; in case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that excuse be deemed to be dissolved, but such election shall be held on any day which shall be appointed by the directors; the directors, of whom three, including the president, shall be a quorum for the transaction of business, shall have power to make and prescribe such by-laws, rules and regulations as they may deem needful and proper, touching the manner of issuing, disposition and management of the stock, property, estate and effects of the company, the transfer of shares, the duties and conduct of their officers and servants, touching the election and meeting of directors, and all matters whatsoever which may appertain to the concerns of said company; and the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes, from time to time, in their said board, and also to purchase or contract for the use of such patents and improvements in sleeping or parlor coaches as they may deem advantageous for the interests of the company.

Approved April 2, 1872.

Powers of directors.

Vacancy, how filled.

## CHAPTER CCCCL.

Act to consolidate the Bound Brook and Easton Railroad Company and the Perth Amboy and Bound Brook Railroad Company, supplementary to the charters of said companies.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for the Bound Brook and Easton Railroad Company, and Perth Amboy and Bound Brook Railroad Company, whenever two-thirds of the stockholders in interest of each of said companies, shall, in writing express their consent and agreement thereto, to consolidate the said two companies together into one company, to be called the "Easton and Amboy Railroad

May consolidate and become one company.

Name and powers.

Company," and whenever such consent and agreement shall be filed in the office of the secretary of state, signed by said stockholders, and attested by the president and secretaries, and the seals of the said companies respectively, the said consolidated company shall be a body politic and corporate of this state, by the name of the "Easton and Amboy Railroad Company," and by that name shall have perpetual succession and the other usual powers incident to corporations aggregate of this state, and thereupon all and singular, the franchises, privileges, powers and immunities, and all the rights and credits, moneys and effects, and all the property, real, personal and mixed, of the said two first named companies respectively granted by, or acquired under their respective charters and the several supplements thereto, shall vest in and become the property and the right of the said Easton and Amboy Railroad Company, which company shall also be liable for the payment and satisfaction of all lawful debts, claims and demands against the said two first named companies respectively, and subject to all the responsibilities, duties and obligations of their said charters respectively, and of the several supplements thereto, except as modified by this or some other act; *provided, however*, and it is hereby enacted, that after such consolidation shall be effected, said consolidated company shall in all respects act and be governed by the laws now in force respecting the said Bound Brook and Easton Railroad Company, so far as the same may be applicable; and the railroad of the said Perth Amboy and Bound Brook Railroad Company shall be deemed an extension of said Bound Brook and Easton Railroad Company.

Proviso.

Act, how construed.

2. *And be it enacted*, That this act shall be deemed and taken as a public act, and as such, shall at all times be recognized in all courts and places whatsoever, and shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCLI.

An Act to incorporate the Saddle River Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That O. N. Cutler, Nathaniel Orr, Corporators. William J. Pell, John R. Lydecker, N. B. Ku Kuck, John Quackenbush, David A. Pell, their associates and successors, be and they hereby are created and constituted a body politic and corporate, under the name of "Saddle River Railroad Name. Company," and by that name may sue and be sued, plead and be impleaded in any court of this state, to make, have and use a common seal, and to alter the same at pleasure; and said company is hereby vested with all the privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, hereinafter set forth; and the said company is hereby authorized and empowered to Authorized to locate, construct, maintain, own and operate a narrow gauge, survey, lay out and construct a railroad. double, treble and quadruple track of railroad from a point on the Hudson river, between King's Point and the Central railroad depot in Hudson county, by the most feasible route, northwesterly, through Bergen county, to the state line, within one mile of the boundary line between the townships of Hohokus and Washington, and to transport, take and convey property and persons upon such railroad by the power of steam or otherwise, as the said company may elect; Provided. *provided* however, that said railroad shall not be located or built within one mile of the line of the New Jersey Midland railroad or of the Ridgefield Park railroad, except for the purpose of crossing said railroads, which crossings shall be over or under said railroads, unless said railroad companies shall consent, in writing, to said crossings at grade; and for the purpose of constructing the said railroad, the company is hereby authorized to lay out their road not exceeding one hundred feet in width through the whole length thereof, and to acquire and own the same, together with all lands necessary for the purposes of depots, stations, cuttings, turnouts or side tracks incident to the construction, operation and maintenance of said road; and it shall be lawful for the said president and di-

rectors, their agents, superintendents, engineers, and others in their employ, hereinafter provided for, to enter at all times upon all lands and water, for the purpose of exploring, surveying, leveling, or laying out the route of such railroad, and of locating the same; and to do and erect all necessary work in buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in its employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, piers, wharves, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained; *provided*, that nothing in this act shall interfere with the rights of the state to lands under water.

Proviso.

Proviso.

May construct and operate a line of telegraph.

Capital stock.

Books of subscription.

2. *And be it enacted*, That said company shall have the right to construct, own and operate a line or lines of telegraph throughout the length of said road.

3. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which may be increased to an amount sufficient to construct and equip said railroad, as provided for in the first section of this act; such stock to be deemed personal property, and transferred in a manner as the by-laws of such company may direct.

4. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, may open books of subscription to the stock of this company, at such times and places, within and without this state, as they may deem proper.

5. *And be it enacted*, That the management of the affairs

of this company shall be vested in a board of seven directors, who shall be stockholders in said company, and who shall be chosen by the stockholders of said company in a manner hereafter provided; and shall serve for one year or until their successors are duly elected and qualified to act; said board shall choose out of their number a president, and another as vice president; a majority of said board, the president or vice president being present, shall constitute a quorum for the transaction of business; and said board shall also choose a secretary or other officers as they may deem necessary.

Managed by  
directors.

6. *And be it enacted*, That when the sum of one hundred thousand dollars or more has been subscribed to the capital stock of said company, and ten per centum of the said amount actually paid up, the parties in charge of said books of subscription shall call a meeting of the stockholders of said company, in such manner and at such time and place as they may appoint for the purpose of choosing a board of directors of said company; and in all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which may be given by the holder in person or by proxy; and the annual meetings of the stockholders of said company, for the choice of directors thereafter, shall be holden at such times and places, and upon such notice as the company in their by-laws may provide.

Election of di-  
rectors.

7. *And be it enacted*, That in case it shall so happen that an election for directors shall not be held on the day appointed by the by-laws of said company, such election may be held on any other day which may be appointed by the directors of the said company, upon proper notice to the stockholders, and said board shall have power to fill any vacancy occasioned by death, resignation or otherwise.

Failure to  
elect directors  
not to dissolve

8. *And be it enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure, and a majority of them may regulate the compensation of all such officers, engineers, agents and servants; the directors shall have power to pass all by-laws which they may deem necessary and proper for exercising the powers vested in this company and for carrying into effect the objects of this act.

May appoint  
officers.

May make by-  
laws.

9. *And be it enacted*, That when the said company, or its



Proceedings  
in case com-  
pany and own-  
ers cannot  
agree.

agents, cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing, under the oaths and affirmations of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in controversy, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said land and materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad by the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the said company for such lands or materials, and damages aforesaid; which report shall be made in writing, under the hand and seal of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the

Report to be  
made and  
filed.

lands or materials, and the appointment and the oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report, or a copy thereof certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same within twenty days after demand made of their treasurer; and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall on application of either party, and on reasonable notice to the other, tax and allow such costs, fees, and expenses, to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he may think equitable and right, which shall be paid by the company.

10. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct proper issue for the trial of the said controversy to be formed between the said parties; and to order a jury to be struck, and a view of the premises or materials to be had; and the said issue to be tried at the next term of said court, to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and

Proceedings  
in case of ap-  
peal.

Proviso.

shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land and materials upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railway, or of making any erections or improvements whatever, or otherwise appropriate said land to the use of said company, until they shall have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as to the value of such lands or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of said commissioners; *provided further*, that in case of appeal from the award of the commissioners by either party, the said company, upon depositing the amount in the said circuit court to abide the result of such appeal, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

Proviso.

Failure to pay installments to forfeit shares.

11. *And be it enacted*, That the said president and directors shall have the power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, and at such times as they may deem best for the interest of said company; and upon the failure or refusal of any stockholders to pay the installment, on his or their stock, in pursuance of any call made by the president and directors, as aforesaid, said president and di-

may, upon giving thirty days' notice, proceed to sell the share or shares of stock owned by said stockholder, to the highest bidder, for cash; and if the sale of the said stock, less than the amount due upon installment or installments be realized, said stockholder shall be liable to pay the deficiency, and may be sued therefor for any other debt.

*And be it enacted*, That said company shall have the power to construct bridges across navigable streams, and to intersect any established rail or other road; *provided*, that the navigation of such stream or streams shall not be impeded, nor the passage of such rail or other road be impeded; and said company may cause any road or way to be altered or changed in such manner, that the road of this state may be made over the best site of ground for that purpose; said company to put such road or way in as good condition as at the time of altering or changing the same.

*And be it enacted*, That after the construction of said railroad, the company may collect fare for the transportation of passengers, not to exceed five cents per mile from each passenger, and toll or freight for the transportation of merchandise or other commodities upon the same, not to exceed five cents per ton per mile.

*And be it enacted*, That the said company, by its board of directors, shall have the power to borrow money to aid in the construction and maintenance of the said road, and to secure the same by bond and mortgage, with interest not to exceed seven per centum per annum, upon all or any of the property, real or personal of said company.

*And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses, in the office of the secretary of state. Annually thereafter, on the first Monday in January, of each year, he shall, under oath or affirmation, make a statement of the cost of the cost, equipments, appendages and expenses of said road; after the said railroad shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the value of equipments and appendages of said road, to be paid annually, on the first Monday of January in each year, and other taxes as may be assessed, from time to time,

Bridges to be constructed and kept in repair.

Proviso.

Rates for transportation.

May borrow money.

Annual statement.

State tax to be paid.

by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said railroad shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

Free passes.

16. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad of said company, in the cars, free of charge.

May hold real estate, &c.

17. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad, and at any intermediate depots upon the line of the same, and may erect and build thereon such houses, warehouses, machine shops and other buildings and improvements as they may deem expedient for the safety of property, and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

18. *And be it enacted*, That this act shall be a public act, and shall take effect immediately

Approved April 2, 1872.

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## CHAPTER CCCCLII.

### An Act to incorporate the Sea Island Railroad and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Beesley, Richard



Thomas Townsend, W. B. Miller, Benjamin F. Lee, John Clark, P. J. Roche, Henry Huddleson, Wm. Vert, Fredrick Fairthorne, William Bagley, David K. Couzons, R. P. Getty, John R. McGovern, F. es, Alexander F. Porter, F. McAdams, H. W. Dr. J. F. Leaming, N. S. Corson, John Lee, Ben- lock, Jas. M. Johnston, Chas. Mc. Fadden, Richard Andrew M. Sallade, Arthur Thacher, Joseph Pat- M. Rice, Charles B. Baeder, M. Hall Stanton, Lester, Henry B. Ashmead, Samuel Hopkins, and persons as may hereafter be associated with them and they are hereby ordained, constituted and de- be a body corporate and politic, in fact and in the name of "The Sea Island Railroad and Im- Name. Company," and shall be capable of purchasing, and conveying any lands, tenements, goods and whatsoever necessary or expedient for the objects poration.

*be it enacted*, That the capital stock of said com- Amount of capital stock.  
be five hundred thousand dollars with liberty to be the same to one million of dollars, and shall be to shares of fifty dollars each, which shall be deemed property, and transferable in such manner as the ration shall by their by-laws direct.

*be it enacted*, That Thos. Beesley, W. B. Miller, First directors  
F. Lee, John Clark, Patrick J. Roche, Richard Alexander F. Porter, Francis W. Hughes, Francis and Arthur Thacher, shall be the first directors of any and are hereby empowered to open books, to subscriptions to the capital stock of said corporation Commission- ers to receive subscriptions.  
me or times and place or places, as they or a ma- them, may think proper giving at least ten days' the same, in one or more of the newspapers, pub- the county of Cape May, and that at the time of g ten per centum shall be paid on each share sub- r, and when five thousand shares are subscribed, rors are hereby authorized and invested with all the Authorized to construct rail- road.  
powers necessary and expedient to survey, lay out ruct a railroad from some point on the Cape May ills railroad to Sea Island, or what is known as e Beach, in Cape May county, and across and along l as they may deem necessary, said road not to ex- hundred feet in width with as many sets of tracks



May enter on  
lands.

and rails as may be required; and it shall be lawful for said directors, their agents, superintendents, engineers and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling, laying out the route of said railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof doing no unnecessary injury to private other property; and when the route and location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, use, occupy and excavate any such lands, and to erect embankments, bridges, and other necessary works thereon, and to lay out and to do all other things which may be suitable and necessary for the construction, completion or repair of said road, subject to such compensation and upon such terms as are hereinafter provided for; *provided*, that nothing in this act shall interfere with the rights of the state to lands and water.

Proviso.

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

4. *And be it enacted*, That if the said company or agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence if known, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this state, or if unknown out of the state, to make publication thereof as he shall direct for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the lands or materials in controversy lie,

ners to examine and appraise the said lands or and to assess the damages upon such notice, not ten days, to be given to the persons interested, as directed by the justice making such appointment; all be the duty of said commissioners (having first oath or affirmation before some person duly authorized to administer the same), faithfully and impartially to the matter in question, and to make a true report to the best of their skill and understanding, to the time and place appointed, and to proceed to view the said lands or materials and to make a just and reasonable estimate or appraisal of the value of the same, and to make an assessment of damages which shall be paid by the owner or owners of such lands and materials, and damages aforesaid report shall be made in writing under the hands and seals of said commissioners, or any two of them, and within ten days thereafter, together with the aforesaid report of the lands or materials, and the appointments made for oaths or affirmations aforesaid in the clerk's office of the court, to remain on record therein; which report or oaths or affirmations, certified by the clerk of said court, shall at all times be considered as plenary evidence of the right of any person to have, hold, use, occupy, possess and enjoy the said lands or materials, or of the said owner or owners to the amount of said valuation, with interest and costs of suit, and no debt in any court of competent jurisdiction shall be instituted against the company, if they shall refuse to pay the same for thirty days after demand made of their treasurer, and shall from time to time have a lien upon the property of the said corporation in the same manner as of a mortgage, and the said justice of the supreme court upon application of either party and on reasonable oaths to the parties, tax and allow such costs, fees and damages to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, shall think equitable and just, and shall order and decree that the same shall be paid.

*And be it enacted*, That in case the said corporation, or owners of the said lands or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the parties so aggrieved may appeal to the next court of the said county of Cape May, at the first term after the filing of the said report, by a pro-

Proceedings  
in case of ap-  
peal.

ceeding in the form of a petition to said court, which proceeding shall vest in said court full right and power, upon cause shown, to direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next term said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the commissioners have awarded in favor of said owner or owners, then judgment thereon with costs shall be entered against said company, and execution awarded therefor, but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the jury or execution awarded therefor as the said court shall direct; but such application shall not prevent the said company from taking the said lands or materials upon filing the aforesaid report, the value of the damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners there being under any legal disability.

May purchase  
equipments.

6. *And be it enacted*, That the directors of the said corporation shall have the power to have constructed, or to purchase with the funds of the corporation, and to place on said railroad all machines, engines, car, wagons, carriages or vehicles for the transportation of persons and property thereon, as they from time to time shall think reasonable and proper, and are authorized to let, rent, lease or mortgage said road and appurtenances, and all such lands and real estate as they may have and hold, from time to time, in whole or parcel, and to improve said lands by laying out streets, grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, or by erecting or causing to be erected thereon buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate in lots, and to use the same for agricultural purposes, planting oysters, or fishing privileges, or in any way that the said corporation may deem necessary and advisable, and to purchase, make up and

May lease  
road and all  
lands.

acture, sell and dispose of all materials pertaining to  
 objects of the corporation; and the said company are  
 authorized to issue their bonds, bearing interest not exceed- May issue  
 five per centum per annum, and to sell and dispose of bonds.  
 same at market value; to secure the payment of such  
 the said company shall have power to convey or pledge  
 of mortgage, trust, or otherwise, such portion of the  
 of said company as said directors may deem neces-  
 or the purpose.

*And be it enacted,* That the directors of said corpora- Officers.  
 shall choose out of their own number a president, and  
 other officers as they may deem necessary; and in case  
 death, resignation, or removal of the president, or of  
 of the directors, such vacancy or vacancies may be filled Vacancy, how  
 the remainder of the year in which they happen, by the filled.  
 board of directors, or a majority of them.

*And be it enacted,* That annual elections for directors Annual elec-  
 be held at such times and places as the said board of tion.  
 directors shall hereafter direct, of which elections public  
 shall be given according to law, and in case it shall  
 in that an election of directors shall not be made on  
 day when it ought to have been made, the said corpora-  
 shall not for that cause be deemed to be dissolved, but  
 election may be held as soon thereafter as possible, and  
 directors for the time being shall continue to hold their  
 until others have been chosen in their places; five di-  
 rectors shall constitute a quorum to transact all business of  
 corporation, and the directors shall be authorized to call  
 the remaining capital stock of said company, by such in-  
 stallments, and at such times as they may direct; and in case May call in  
 the non-payment of the said installments, or any of them, amount sub-  
 shall have power to forfeit such share or shares upon scribed under  
 such default shall arise; and the said directors shall penalty of for-  
 have power to make and prescribe such by-laws, rules feiture.  
 regulations, as to them shall appear needful and proper,  
 for the management and regulation of the stock, pro-  
 perty, estate and effects of the said corporation.

*And be it enacted,* That the president and directors of Dividends.  
 said company shall declare and make such dividends as  
 shall deem proper and prudent, from time to time, out  
 of the net profits of said corporation, and pay the same to  
 the stockholders of the said company, or their legal repre-

sentatives, in proportion to the number of shares held by them respectively.

May purchase  
and hold real  
estate, &c.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at its junction with the Cape May and Millville Railroad Company, may erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business; and may receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the said railroad may cross, such piers, bridges and other facilities as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

May make  
contracts and  
engagements.

11. *And be it enacted*, That the company may at any time during the continuance of its charter, make such contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and enforce the fulfilment of such contracts.

Penalty for  
injuring  
works.

12. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, bridges, carriages, machinery, or any works or property of said corporation, such person or persons shall forfeit or pay therefor to the said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance thereof.

Statement to  
be made.

13. *And be it enacted*, That as soon as said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said road, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath, make a statement to the secretary of state of the cost of the equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads

State tax.

which the legislature shall have power for that purpose the time of the passage of such law or laws; and until the passage of such law the payment of one-half of one per centum shall be in lieu of all other taxes; and until said railroad, or part thereof, shall be in operation, said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property now taxed in the city or cities, township or townships, in which it lies, at the same time and rate, and in the same manner for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships.

*And be it enacted,* That it shall and may be lawful for any corporation to subscribe for, purchase and hold the stock or bonds of the said company. Other corporations may take and hold stock.

*And be it enacted,* That this act shall take effect immediately.

Approved April 2, 1872.

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## CHAPTER CCCCLIII.

Act to incorporate the Hudson County Fair Ground Association.

*BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That Francis P. Gautier, William H. Corporators. *Sted, Joseph W. Gilmore, Edmund D. B. Wakeman and Thomas E. Bray, their associates and successors, be and they hereby created a body politic and corporate, in fact and name, by the name, style and title of "Hudson County Fair and Association," and by that name shall sue and be sued, shall generally possess the powers and privileges of a corporation.*

*And be it enacted,* That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, and paid in by the stockholders in equal time, manner and installments as the directors of said corporation may direct, and such shares shall be deemed per-



sonal property, and shall be transferable, but only on the books of said corporation, in such manner as the said association may prescribe; and the said corporation may hereafter increase their capital stock, if they choose, not to exceed one hundred thousand dollars.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persona, or a majority of them, shall be, and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said association at such times and places, and in such manner and amount as they, or a majority of them, shall think proper, giving public notice for at least two weeks in not less than two newspapers printed and circulated in the county of Hudson; and as soon as one hundred shares are subscribed, the said commissioners, or a majority of them, are hereby authorized to hold their first meeting as directors of said association, at such time and place as they may agree upon, and to choose and elect a board of directors of not less than five in number, and such other officers and committees as they may deem necessary, which said directors and officers shall hold their offices for one year, and until others are elected in their places.

Powers of directors.

4. *And be it enacted*, That the board of directors of said association shall have the right, at their first or any subsequent meeting, to establish such by-laws, rules and regulations for the government of the association as they may deem expedient, which by-laws, rules and regulations shall not be inconsistent with the constitution of this state, or the provisions of this act.

Object.

5. *And be it enacted*, That the object of said association shall be to provide, keep and maintain in the county of Hudson, in this state, grounds and other real and personal estate, suitable for healthy and driving exercises and purposes, and for agricultural, floral, mechanical and other like exhibitions and innocent amusements, and shall have authority and power to adopt a corporate seal, and to receive by donation or devise, to acquire, purchase or lease, and use, hold, possess and enjoy such real estate not exceeding in all forty acres, and such personal estate as they shall deem necessary for the purpose of said association, and the same, or any part of such real or personal property or estate, to sell, mortgage, lease or otherwise dispose of at pleasure, and also to make, build and construct on the real estate so held by them, such buildings, road, tracks, walks for visitors, and other improvements as they

May sell or lease lands.

may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act.

6. *And be it enacted*, That so much of the profits of said association as shall be deemed expedient by the directors, shall from time to time be divided among the stockholders, and no dividends shall be declared which will impair the capital of the association. Dividends.

7. *And be it enacted*, That for the purpose of carrying to effect the objects and purposes of the said association, it shall be lawful for said association to hold upon their grounds, from time to time, and as often as they shall deem proper, fairs and exhibitions for the development of speed, other desired qualities, and to encourage competition, may offer and give such premiums for stock exhibited, and for superiority in the objects sought for in the manner usually exercised by the State and county agricultural societies for the improvement of the breed of horses, as the said directors, or a majority of them, may agree upon, and to ask, demand and receive for the said association's use such reasonable fees for admission of exhibitors and visitors to the said grounds and exhibitions as the said directors shall deem proper, and shall also have the power to let, rent out or lease unto any agricultural or other society, any or all of the grounds and improvements belonging to the said association. May hold fairs, exhibitions, &c.

8. *And be it enacted*, That for the purpose of maintaining order and preserving the peace and decorum upon and about the exhibition or meeting grounds of said association, the said directors, or a majority of them, shall have police jurisdiction within one quarter of a mile of the boundaries of any of their said exhibitions or meeting grounds; and it shall be their duty, and they shall have the power to suppress the sale of ardent spirits and other intoxicating beverages by parties not regularly licensed by the public authorities of any city or town, and to prohibit every species of gambling, against each of the peace or laws of the state, within said limits; and it shall also be lawful for the said directors, or a majority of them, to appoint from time to time, one or more fit, proper and discreet person or persons, who shall take and subscribe an oath or affirmation before one of the justices of the peace of said county, which oath or affirmation shall be filed in the office of the clerk of said county where said exhibition or meeting is to be held, and shall be of like form and effect as May have police jurisdiction.

May appoint policemen.

Police may arrest persons without warrants.

Corporators and commissioners not prohibited from being directors.

is now required by law for constables to take and subscribe, and the date of said filing shall be endorsed by said clerk, and who shall be paid the usual fee for filing papers of that description, and which person or persons so appointed and sworn shall possess the same powers and authority on the premises of the said association and on the lands and premises adjacent thereto within the limits above named, which constables now possess in criminal cases in this state; and they shall have power and authority without process to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the meetings or exhibitions, or visitors thereto, or rules or regulations of said association; and the said parties so arrested shall be taken as soon as conveniently may be, before some justice of the peace of said county, there to be dealt with according to law.

9. *And be it enacted*, That the incorporators named in this act, or the commissioners referred to, shall not be incapacitated or prohibited from being elected directors of the said corporation at any time.

10. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

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## CHAPTER CCCCLIV.

### An Act to incorporate the Bergen County Building and Land Association, of New Jersey.

Corporators:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William L. Montague, Richard K. Cooke, Elisha W. Andrews, Tappan Hoadley, Eben Winton, George S. Coe, Edmond S. Munroe, Andrew D. Bogert, Hardy M. Banks, Washington R. Vermilye, Nathan T. Johnson, J. Ward Lydecker, M. E. Springer, Daniel W. Leeds, Henry W. Banks, Conrad N. Jordan, William P. Coe, and

whoever may be now or hereafter associated with them, their successors and assigns, according to the regulations and laws to be adopted by them in accordance with the provisions of this act, shall be and are hereby created a body politic and corporate, by the name and style of "The Bergen County Building and Land Association, of New Jersey," and such, shall be capable in law to purchase, hold and dispose of property, both real and personal, to borrow money and make loans for the purpose of advancing upon buildings and lands and other property, and for the purpose of enabling persons of limited means to purchase a homestead for their families: the said corporation shall have power to make, seal and use a common seal, and the same to change, alter, amend, or renew at pleasure; to sue and be sued, plead and be pleaded, answer and be answered in any court of law or equity; to make all deeds, transfers, contracts, conveyances and grants whatsoever, and to exercise all and singular powers incident to bodies politic and corporate.

4. *And be it enacted*, That there shall be a meeting of the said association at such place, and on such a day after the passage of this act, as the persons above named, or a majority of them, shall appoint (and on such day and at such place annually thereafter as the by-laws may appoint), for the purpose of choosing from among the voting members fifteen directors to manage the affairs of the said association for one year thereafter, and until a new election shall take place and their successors are duly qualified; and the incorporators above named in section first, or a majority of them, shall appoint the judges of the first election, and all subsequent elections shall be conducted, and the judges appointed in accordance with the by-laws.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to elect a president and vice president, and shall have power to fill all vacancies that may occur in these offices and in their own body, to appoint all other officers, agents and servants deemed by them necessary to conduct and execute the business of said association, to invest the funds of the association as they shall deem most advantageous to its interests, and generally to do and perform any other act or acts touching the welfare of the association.

6. *And be it enacted*, That the stock of the said association shall not exceed one thousand shares of unredeemed stock,

Name and powers.

Election of directors.

Powers of directors.

Installments, how paid.

at the par value of five hundred dollars each, payable in installments of one dollar per share per week ; and the association shall have power to enforce the payment of all installments and other dues from its members or shareholders, by such fines and forfeitures as the directors may, from time to time, provide in the by laws.

Who entitled  
to vote.

5 *And be it enacted*, That every member shall have one vote for every share of unredeemed stock which he may hold, at any meeting of stockholders or election for directors ; and no one shall be eligible for president, vice president, or director, who is not the bona fide owner in his own right of one or more shares of unredeemed stock ; and upon his ceasing to hold in his own right unredeemed stock, it shall be the duty of the board of directors to declare his or their office or offices vacant, and to supply the vacancy.

Persons be-  
coming mem-  
bers required  
to pay claims  
and assess-  
ments.

6. *And be it enacted*, That any person or persons applying for membership or for stock in said association, after the end of one month from the date of organization, may be required to pay, on subscribing, such claims or assessments as may, from time to time, be fixed or assessed by the board of directors, in order to place such new members or stockholders on an equal footing with the original subscribers and members holding unredeemed shares at the time of such application for new membership.

Association  
may redeem  
stock; &c.

7. *And be it enacted*, That it shall and may be lawful for the said association, at any time in advance of the period or periods at which the several installments on the shares of stock of any member shall become due and entirely paid up, according to the provisions of the fourth section of this act, to redeem the same, and to advance to such member, for such premium as may be agreed on, the par value of five hundred dollars per share thereof for any number of shares held by him, or to loan the said sum for a period of years, deducting the interest thereon in advance, and all assessments, fines and penalties thereon incurred according to the by laws, on such security as may be approved by the said association.

Redeemed  
stock to be  
cancelled.

8. *And be it enacted*, That all shares of stock redeemed by, hypothecated to, purchased, or advanced on by the association, in accordance with the preceding section, shall be considered as redeemed shares, and shall be cancelled ; and it shall be lawful for the association to issue an equal number of new shares in their stead, so that the number of unredeemed shares authorized by this act may always equal, and

May issue  
new shares.

not exceed one thousand unredeemed shares perpetually; and the member or members of the association whose share or shares of stock shall be so redeemed, shall cease to be stockholders, and shall not be entitled to vote at any meeting of the association, nor shall they be deemed eligible for any of its offices; *provided however*, that any stockholder who may redeem his stock to the association, shall thereupon have the privilege to subscribe for as many shares of new stock, at the price fixed by the board of directors, as he shall have redeemed at that time; and, upon so doing, he shall not be deemed to have forfeited any of his rights in consequence of his first redemption of shares. Proviso.

9. *And be it enacted*, That it shall be the duty of the board of directors, at least ten days prior to the expiration of each succeeding half year, reckoning from the date of its organization under this act, to appoint from the list of shareholders three competent persons to investigate the affairs of the association, and report thereon at each semi-annual meeting, said report to be recorded by the secretary in a book to be styled "committee reports," said books to be free for inspection, at all times, to the stockholders; within ten days thereafter, the board shall declare such dividend of profits as shall have been earned during the preceding six months upon the unredeemed shares, the dividends on fully paid up shares to be paid in cash, and on shares not paid up in full to be passed pro rata to the credit of the holder thereof, on the books of the association; *provided*, that always at the expiration of a current year the newly elected board of directors only shall have the power to declare the dividend; but the board of directors may, in their discretion, adjourn the declaration of a dividend for a period not greater than fifteen days from the time specified above in this section. Affairs to be investigated, and report to be made. Dividends. Proviso.

10. *And be it enacted*, That nothing in this act shall be taken or construed as authorizing the said association to issue any note, token, scrip, device or other evidence of debt to be employed or circulated as money or currency. Not to issue notes, &c.

11. *And be it enacted*, That if the property offered by any member or shareholder as security for a loan be of a nature that may be impaired in value, or destroyed by fire, the borrower must have the same insured in a fire insurance company satisfactory to this association, assigning the same to it, with the consent and written approval of the underwriters, paying the premium himself always and punctually, and re- Borrower to have property insured, &c.



newing the policy at each date of expiration during the pendency of his loan ; and it shall be lawful for him by special agreement to that effect, to pay all expenses connected with said loan.

Association  
may loan  
money to  
members, &c

12. *And be it enacted*, That nothing in section seventh of this act shall be construed or interpreted to preclude the association from granting to shareholders or members loans of money for terms of years on real estate, satisfactorily mortgaged to the said association, said mortgage to be in all cases the first lien on the said real estate, independent of, and disconnected from, their relation to the association as shareholders, the annual interest and charges to be, in all cases, deducted from the sum loaned at the time the money is advanced ; that is to say, one year's interest and charges are to be deducted at the time the money is paid to the borrower, and the annual interest and charges thereafter to be paid by him in advance to this association, in all cases, in a single payment.

13. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

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## CHAPTER CCCCLV.

An Act to create a new township in the county of Somerset, to be called the township of North Plainfield.

Boundaries.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Warren, in the county of Somerset, lying within the boundaries and descriptions following, to wit : beginning at a point in the centre of Green Brook, near Sebring's grist mill, and corner of Warren and Bridgewater townships ; from thence along the Bridgewater line and Warren, to the centre of the public road leading from Bound Brook to Washington Valley ; from thence, a straight line in a northeasterly course, to a point in the line of Union county, on the farm of

Thomas Rogers, and is the corner of New Providence township; from thence along the line of New Providence and Warren townships, to a point in the line of Westfield township; thence along that line and the line of Plainfield township, to the line of Piscataway township, in the county of Middlesex; thence along the line of said Piscataway township to the aforesaid point in the centre of Green Brook, and place of beginning, be and the same is hereby set off from the said township of Warren, and created into a new township to be called and known by the name of "The Township of North Plainfield."

Name of new township.

2. *And be it enacted*, That the inhabitants of the township of North Plainfield are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the Township of North Plainfield," and shall be entitled to all rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Somerset are or may be entitled or subject to by existing laws of this state, and to the provisions of any special law in relation to the said township of Warren, so far as the same are or can be applicable to said township of North Plainfield, when set off as aforesaid, excepting that the township committee of said township of North Plainfield shall consist of five members, freeholders and residents within the said township, who shall be elected at each annual town meeting in said township, and who shall not receive any compensation whatsoever, either directly or indirectly, for their services.

Corporate title.

3. *And be it enacted*, That the inhabitants of the township of North Plainfield shall hold their first town meeting at the Warren engine house, in said township, on the second Monday in April, eighteen hundred and seventy-two, and thence forward at such place in the said township as the town meeting may appoint, at each prior annual town meeting.

Time and place of holding first town meeting.

4. *And be it enacted*, That the town committee of the townships of North Plainfield and Warren respectively, shall meet at such time as they, or a majority of each of them, shall agree upon, not later than the fifth day of July next, and on said fifth day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place herein before mentioned, in the township of North Plainfield, and then and there proceed in writing, signed by a majority

Town committee to allot and divide moneys, &c.

of the members present, to allot and divide between the townships, all properties and moneys, in hand or due, belonging to said township of Warren, and all debts owing by said township of Warren, in proportion to the taxable properties and ratables with the township of North Plainfield, or appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of North Plainfield, shall be liable to pay the proportion of the debts of the township of Warren, so assigned and allotted to them, and it shall be the duty of the town committee of the township of North Plainfield, if necessary, to issue a bond or bonds, with interest, payable semi-annually, to the township committee of the township of Warren, for their proportion of the debt as allotted to them by the commissioners hereinafter mentioned, and if any of the persons comprising either of the township committees, should neglect or refuse to meet as aforesaid, those assembled may proceed to make such division, and the decision of a majority of those present shall be final and conclusive.

Committee to assess and collect tax payments.

5. *And be it enacted*, That it shall be the duty of the township committee of the township of North Plainfield, if necessary, and they are hereby required to cause to be assessed upon the real estate and personal property of said township of North Plainfield, and collect therefrom such sum or sums annually as may be sufficient to meet the payments falling due, as provided by the foregoing sections.

Commissioners to appraise taxables in townships.

6. *And be it enacted*, That John H. Anderson, of Bernards township, Culver Barkalow, of Bridgewater township, and Abram S. Williamson, of Bridgewater township, are hereby appointed commissioners to appraise the taxable properties and ratables of the said township of Warren and North Plainfield, which appraisement shall be made prior to the fifth day of July next, and upon that day, if not sooner done; and shall be the basis for the apportionment of the properties, money and debts of the township of Warren and North Plainfield as aforesaid, and the proper expenses of the appraisement shall be allowed by said town committee in their said respective joint meetings; one-half of said expenses shall be paid by each of said townships.

Act not to affect right to surplus revenue.

7. *And be it enacted*, That nothing in this act shall be so construed as to impair or in anywise affect the right of the said township of North Plainfield of, in or to any portion of the surplus revenue of the United States government to which the said township may now, or any time hereafter be

entitled in the distribution of the surplus revenue or of its income.

8. *And be it enacted*, That the township of North Plainfield shall form a part of the first assembly district of the county of Somerset. Assembly district.

9. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township set off and called North Plainfield, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation. Officers not affected.

10. *And be it enacted*, That the inhabitants of the township of North Plainfield shall hold their first township meeting at the time and place hereinbefore set forth, and annually thereafter on the second Monday in April; and at the first township election, James Verdon, Lewis B. Boice and William W. Drake shall be judges of election, and any of them may act in the absence of the others, and such judges, or the one or ones acting, shall appoint a clerk. First town meeting.

11. *And be it enacted*, That this act shall take effect immediately. Election officers.

Approved April 2, 1872.

## CHAPTER CCCCLVI.

An Act to establish a board of education in the town of Hackettstown, in the county of Warren and state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the town of Hackettstown shall, on the first Tuesday of May, in the year one thousand eight hundred and seventy-two, elect six persons who, together with the mayor of said town, shall compose a board of education for said town, and who shall have exclusive care and charge of the schools and school property in said town, and shall have power to employ and dismiss Board of education and powers.

teachers and all other employees in and about said schools, to adopt a schedule of study for the school or schools in said town, to furnish proper text books and stationery at the expense of said town, free to each scholar, under such rules as they may prescribe, to organize a graded school up to a full business education or preparation to enter college, and to sell and convey, purchase, repair or build any school property by the voice of a majority of said board.

Members to  
divide into  
classes.

Election, and  
term of.

2. *And be it enacted*, That the persons elected such members of the board of education of the town of Hackettstown on the first Tuesday of May, eighteen hundred and seventy-two, shall at their first meeting determine, by lot or otherwise, the terms during which they shall hold their offices, and these shall be as follows: two of them shall remain in office one year, two of them two years, and two of them three years; and the inhabitants of said town of Hackettstown shall on the first Tuesday of May, annually thereafter, elect two persons to be members of said board of education, who shall hold their office for three years from and after such election.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCLVII.

An Act to incorporate the borough of Chambersburg, in the township of Hamilton, in the county of Mercer.

Boundaries.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Hamilton, in the county of Mercer, contained within the following limits, that is to say: beginning at a point in the middle of the Delaware and Raritan canal where the same intersects the Assanpink creek; thence along the middle of said creek and the boundary line of the city of Trenton, to a point which would meet Chambers street, if the same were extended to said creek; thence southerly along said extension

f the line of Chambers street and along the westerly side of Chambers street and Dayton avenue, to the Pond Run road; thence along said road southwesterly to the division line of lands of the Hamilton Land Association, and lands of the estate of Robert H. Wright; thence along said line southerly to and across the Crosswicks and Trenton turnpike and other lands to the north side of Lalor street; thence along the north side of Lalor street to the middle of the Delaware and Raritan canal; thence northerly along the middle of said canal to the place of beginning shall be, and hereby is erected into a borough or town corporate, to be called the "Borough of Chambersburg," and the inhabitants within the said bounds shall be and are hereby incorporated by the name of "The Borough of Chambersburg," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, complaints and causes whatsoever, and to have a common seal, and alter the same at pleasure, and may by their corporate name purchase, have, hold and convey all estate, real or personal, for the public use of said corporation.

2. *And be it enacted*, That the said corporation, in addition to the rights, privileges and immunities conferred, and be subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

3. *And be it enacted*, That for the ordering and governing of the said borough of Chambersburg, and the inhabitants thereof, there shall annually be held in said borough, on the second Monday in April, an election by ballot, between the hours designated by law for holding the annual state election, at such place as the common council shall appoint; at which election there shall be elected in and for said borough one mayor, ten councilmen, one clerk, one assessor, one collector, one judge and two inspectors of election, three commissioners of appeal in cases of taxation, who shall respectively hold their offices for one year, and until their successors shall be chosen and qualified into office; *provided*, that in the election of inspectors of election, no ballot shall contain the name of

Corporate  
name.

Rights and  
privileges.

Election of bor-  
rough officers.

Proviso.



more than one person to be voted for as an inspector of election, and in the election of councilmen no ballot shall contain the names of more than six persons to be voted for as councilmen, and in case any ballot shall contain the name of more than one person for inspector of election, or more than six persons for councilmen voted for said offices, such names shall be rejected.

Who entitled  
to vote.

4. *And be it enacted*, That every person who would be entitled by the laws of this state to vote for township officers in the township of Hamilton, if held on the day of said borough election, and who is at the time an actual resident of said borough, shall be entitled to vote at such election for all or any of the officers then to be chosen, and the election shall be conducted by the judge, inspectors and clerk in the same manner and under the same regulations, in all things as prescribed by law for the election of township officers in said township of Hamilton, except otherwise herein directed; and immediately upon closing the polls at such election, the officers thereof shall count the votes and declare the result and make a certificate thereof, and the person or persons having the highest number of votes, in accordance with the provisions of this act, for any office for which they shall have been voted for, respectively, shall be duly elected to said offices; *provided*, that no person shall be eligible to any office at any such election unless he shall then be an elector, and shall have been a resident in said borough for one year immediately preceding such election, and where any officer of said borough shall cease to reside therein, his office shall thereby become vacant.

Elections,  
how conducted.

Proviso.

Vacancies,  
how filled.

5. *And be it enacted*, That whenever any vacancy shall occur in any elected or appointed office, or refusal to take the oath of office within seven days after such person shall have been notified of such election or appointment, or upon failure to give bonds for the performance of his duties when required or by reason of death, resignation, removal from the borough or by any other cause, the same may be filled for the unexpired term by the common council, and the persons so appointed shall be subject to the same responsibilities and entitled to the same privileges, and perform the same duties, as though elected or appointed at the regular time; in case of a vacancy in the office of mayor the chairman pro tempore of council shall act as mayor and possess all the rights and

powers of the mayor during the vacancy in the office of mayor.

6. *And be it enacted*, That every person elected in pursu- Persons elect-  
ed to take  
oath.  
ance of this act, or of any law or ordinance of the common council shall, before entering upon the duties of his office, take and subscribe an oath or affirmation before the mayor or clerk to faithfully perform the duties of his office, and the collector shall give bond in such sum and with such sureties Collector to  
give bond. as the common council may require, and whenever they deem it proper they may require him to give additional security.

7. *And be it enacted*, That the mayor and councilmen shall Common  
council.  
constitute and be called the common council of said borough, and shall meet at such times and places as they may, from time to time, appoint; the said mayor shall preside at all meetings of the said council and have one vote upon every question therein; in his absence the council may appoint one of their own number president pro tempore, and it shall be the duty of the mayor, or in his absence the clerk to call special meetings upon the written request of a majority of the members, by giving notice thereof to the other members; that a majority of said common council shall be necessary for a quorum, but a smaller number may adjourn from time to time; that the clerk of said borough shall be clerk of said common council, and shall keep minutes of its proceedings, and perform such duties as said council may prescribe, and deliver to his successor all books and papers belonging to said borough, and the first meeting of the council shall be held on the first Monday after each annual election.

8. *And be it enacted*, That the common council may appoint Council may  
appoint offi-  
cers, &c.  
for said borough a surveyor, a street commissioner, a sealer of weights and measures, policemen, and such other subordinate officers for the better governing of said borough and carrying out the powers conferred upon the common council by this act; and they shall allow and direct such compensation for the services of all officers elected or appointed as may be just and reasonable; *provided*, that the common council Provided.  
shall not receive any compensation for services as members of said common council.

9. *And be it enacted*, That the mayor of said borough shall Mayor to have  
powers of jus-  
tice of the  
peace.  
have all the powers and authorities of a justice of the peace of the state of New Jersey in all criminal matters and complaints arising in said borough, and together with any justice

of the peace of said township, shall be authorized to hear, try and determine all such matters and complaints of a criminal nature as any two justices of the peace are or may be by law authorized to hear, try and determine, and he shall be the keeper of the borough seal.

Powers and  
duties of officers

10. *And be it enacted*, That the assessor, collector, clerk, commissioners of appeals in cases of taxation, constables or policemen elected or appointed by said borough shall have the same powers and perform the same duties as like officers of any township of this state, so far as the same shall be consistent with the provisions of this act, and shall also possess the powers and be subject to the obligations conferred by the ordinances, rules and regulations of the common council.

Surveyor of  
streets, du-

11. *And be it enacted*, That the surveyor and the street commissioner of said borough shall have the same power, perform the same duties, and receive the like fees within said borough as members of the township committee of the townships of this state, under "An Act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine, and the supplements thereto.

Common  
council to pass  
ordinances.

12. *And be it enacted*, That it shall and may be lawful for the common council of said borough, with the concurrence of a majority of all the members thereof, to pass, alter or repeal all ordinances, rules, by-laws and regulations for the following purposes: to manage, regulate and control the finances and real and personal property of the borough; to prevent vice, drunkenness and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses and houses of ill fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said borough, and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys; to regulate, clean and keep, or direct to be kept in repair the streets, highways, avenues, lanes, alleys, turnpikes and bridges in said borough, and to prevent and remove obstructions and encumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts and watercourses in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, turn-

pike, highway or alley in said borough, or in digging up any street, avenue, turnpike, highway or alley for the purpose of laying down pipes or any purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, turnpikes, avenues, parks and grounds of the borough, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon: to widen, level, grade, flag or reflag, curb or recurb, gutter, pave or repave, or gravel or plank the sidewalks in any street, highway, turnpike or section or sections thereof; to prescribe the manner in which any such work shall be performed, and the mode in which the expense thereof shall be ascertained; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said borough which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this act; to prescribe the manner in which the said work shall be performed, and the mode in which the expense shall be ascertained, and to cause the same to be assessed upon such lots, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, or any post or erection, or any projection or otherwise in, over or upon any street or avenue or turnpike or sidewalks thereof, and to cause the same to be removed, if improperly erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racings and immoderate driving in any street, avenue or turnpike, and to authorize the stopping and detaining of any person guilty thereof, and to regulate the speed and running of locomotive engines and railroad cars through said borough, and to designate the crossings at which any railroad company shall be required to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars; to regulate or prohibit the construction of horse railroads, and the running without the consent, and under such conditions as may by council be prescribed; to prohibit the driving of any drove or droves of cattle through the

To regulate  
the planting  
of shade  
trees, &c.

To prevent or  
regulate the  
erection of  
stoops, &c.

To regulate  
the running of  
cars, &c.

To restrain  
and punish  
drunkards, &c

To license  
auctioneers,  
peddlers, &c.

streets on Sunday, and to regulate the same at other times; to provide lamps and gas fixtures, and light the streets and public places of said borough; to make and regulate wells, pumps, aqueducts and cisterns in the public streets, or otherwise to supply said borough with water for the use of its inhabitants; to establish and regulate pounds, and to restrain the running at large of horses, cattle, swine, sheep, goats, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping, impounding and sale; to locate, regulate and remove slaughter houses, to establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license, and to prescribe the places of exposing for sale wood, hay, straw, and other articles from wagons or other vehicles; to prohibit any practice tending to frighten animals, or to annoy persons passing in the streets or on the sidewalks; to restrain and punish drunkards, vagrants, mendicants and street beggars; to establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the borough; to abate or remove nuisances of every kind, and to require the owner or occupant of any grocery, cellar, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, drain, or other offensive or unwholesome house or place, lot or enclosure, to cleanse, remove, or abate the same; or, in a summary manner, to cause the same to be done at the expense of the owner or occupant thereof; to regulate the burial of the dead, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets, as health, quiet and good order may require; to license auctioneers, common criers, hawkers, peddlers, junk-shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed them, and to prohibit unlicensed persons from acting in such capacities; to regulate or prohibit swimming or bathing in the waters of or bounding the borough; to regulate weights and measures in conformity with the standard established by law, and to require every dealer in merchandise or other property, which is sold by measure or weight, to cause their weights and measures to be sealed by the borough sealer, and to be subject to his inspection; to establish, regulate and control a day and night

police, and the manner of their appointment and removal, To regulate a day and night police. their duties and their compensation; to establish, regulate and control a fire department, and the manner of the appointment and removal of the officers and members, their duties and compensation; and to provide fire engines and other apparatus and engine houses and other places for keeping and preserving the same, and to provide water for the extinguishing of fires; to regulate and control the manner of building dwelling-houses and other buildings, to regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or constructing of furnaces, stoves, boilers, ovens or other things, in such a manner as to be dangerous, and to prohibit the deposit of ashes in unsafe places; to authorize any borough officer to enter upon and inspect any place for ascertaining whether the same is in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufacture's dangerous in causing or promoting fires, or the manufacture, sale or use of fireworks and firearms in said borough; to regulate or prohibit the keeping and conveying of gunpowder, camphene, spirit gas, petroleum and other dangerous materials, and the use of candles and lights in barns, stables and other buildings; to require all such further acts to be done, and to regulate and prohibit the doing of all such further or other acts as they may deem proper, to prevent the occurrence and provide for the extinguishment of fires; to adopt all legal measures to collect the taxes to be levied for the purposes of said borough; *provided*, that it shall not be To regulate or prohibit the keeping of gunpowder, &c. lawful for the common council to raise by taxation in any one year an amount of money that shall cause a greater rate of taxation than one and a half per centum of the valuation of the real and personal estate of the citizens. Proviso.

13. *And be it enacted*, That the common council shall have power to make and establish such other ordinances, rules and regulations, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties imposed by this act, and the same to alter, amend, modify and repeal. May establish ordinances.

14. *And be it enacted*, That in all cases where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in Penalties may be prescribed.



the county jail, not exceeding ten days, or by fine, not exceeding fifty dollars.

Record of ordinances to be kept and published.

15. *And be it enacted*, That all ordinances and regulations passed by said common council shall be copied by the clerk of the borough, in a book provided for said purpose, and shall be signed by the mayor, or chairman pro tempore, and clerk; and no ordinance shall go into effect until the same shall have been posted in ten of the most public places in said borough, by printed handbills, or published three times in one or more of the daily newspapers published in the city of Trenton; and where the same shall have been published by handbills, the clerk shall make a note in the book of ordinances of the time of posting the same; and the said book of ordinances and regulations shall be taken and received as evidence of the due passage by the common council of the ordinances and regulations recorded therein; and the publication, as herein prescribed, shall in all cases be presumed to have been made, until the contrary be proved.

Public hall may be built.

16. *And be it enacted*, That the common council shall have power to build and maintain a city hall, and such other buildings as may be necessary for the accommodation of the city officers and the day and night police, and station houses for the locking up of offenders until they can have a hearing.

May borrow money and issue bonds.

17. *And be it enacted*, That the common council shall have power to borrow money, from time to time, for effectuating the purposes of this act, and to secure the payment thereof by bond or other instrument, under the common seal of said borough, and the signature of the mayor and clerk, and to provide for the payment of the interest and principal thereof; *provided*, that all such loans shall be authorized by an ordinance of the common council, which ordinance shall be irrevocable until such debt be paid, and said bonds shall not be sold at less than their par value; *and provided further*, that the total of said bonds outstanding and unpaid at any one time shall not exceed the sum of twenty-five thousand dollars.

Proviso.

Proviso.

Collector to make statement.

18. *And be it enacted*, That the collector of said borough shall keep an account of all receipts and expenditures, as the council shall direct, and shall at least two weeks previous to the annual borough election, make out and file with the clerk a detailed statement thereof, including the sums realized from bonds, and the amount outstanding for principal and interest

of said bonds; and the said clerk shall place the same before the common council at a meeting to be immediately called by the mayor for the purpose of examining said accounts, and if found correct, shall cause the same to be published in handbill form. or in one of the daily newspapers published in the city of Trenton for five days previous to said annual election.

19. *And be it enacted*, That whenever any bonds shall be authorized to be issued by the common council, it shall be the duty of the mayor and clerk to number the same, and each to keep a separate account of said bonds, with the numbers, dates, amounts, when redeemable, and the interest when payable, with the title of the ordinance authorizing the same, and the name of the person to whom issued, and they shall take a receipt for the same from the collector when delivered to him, which receipt shall be entered at large upon the book of minutes of the council.

Record of  
bonds to be  
kept.

20. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, for the following purposes: for lighting the streets of the borough; for regulating, cleaning and keeping in repair the streets, highways, sewers, drains, and the construction of crosswalks; for improving and protecting any public grounds and buildings; for the support of the police and fire departments, and supplying the borough with water for the extinguishment of fires and other purposes; for the payment of interest upon bonds issued and such part of the principal as may be due and payable; for the contingent expenses of the borough, and for all other objects and purposes authorized by this act, and to be assessed and collected within such times as the common council shall by ordinance direct.

Council to  
raise money  
by taxation.

21. *And be it enacted*, That the commissioners of appeal in cases of taxation, shall meet at such time and place as the common council shall by resolution appoint, of which time and place the usual notice shall be given by the collector; they shall have power to hear all complaints of unjust taxation as like officers are authorized by law to do.

Commission-  
ers of appeal.

22. *And be it enacted*, That in case of the nonpayment of taxes at the time appointed by ordinance, the collector shall make out a list of the delinquents, and the sums due from them respectively, and deliver the same to the mayor or acting mayor, under the oath required by law, and the said

List of delin-  
quent tax pay-  
ers.

mayor, or acting mayor, shall issue his warrant commanding said collector to cause to collect the said several sums of money, with interest and all lawful fees and costs, as prescribed by the laws of this state.

Taxes to remain a lien.

23. *And be it enacted*, That all taxes which may be assessed by authority of said borough upon any lands, tenements and real estate in said borough, shall be and remain a lien thereon for the amount of such tax, with interest thereon and all costs and fees, for the space of two years from the date of the tax warrant, and the same may be collected in the manner prescribed by "An Act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March seventeenth, eighteen hundred and fifty-four.

Ordinances.

24. *And be it enacted*, That it shall be lawful for the common council, whenever in their opinion the public good requires it, by ordinance;

To lay out and open streets, roads and alleys.

I. To lay out, accept and open any street, road, highway or alley within said borough; to order and cause any street, road, highway or alley already laid out or which may hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate any lands and real estate for such purpose upon making compensation to the owner or owners thereof; and they may at their discretion, by ordinance, accept such lands as may be dedicated by the owner or owners thereof as public streets or avenues, and thereupon shall be bound to keep up, repair and maintain the same to the same extent as streets laid out by legal proceedings; *provided*, that no street or avenue shall be accepted until the same shall have been by the owner or owners so dedicating, formed and properly worked to the grade established or to be established by the surveyor of the borough, and to the satisfaction of said surveyor and the street commissioner, a certificate whereof shall be published with said ordinance;

Proviso.

To construct sewers and drains.

II. To order and cause sewers or drains to be constructed in or across any of the streets, highways, avenues, turnpikes, lanes, alleys or any other part of said borough, and to cause all the expense of making such sewers and drains to be ascertained by the surveyor and street commissioner (who shall superintend such work), and assessed upon the several lots drained by said sewers and drains in proportion to the square feet therein; *provided*, that when the depth of any

Proviso.

of said lots shall exceed two hundred feet, the said excess shall not be taken into account in computing the area thereof; *and provided further*, where it may be necessary to construct a sewer along any turnpike road within said borough, a proportional amount of the expense to the area of the adjacent lots on said turnpike road, shall be assessed to the corporation owning said road; Proviso.

III. To order and cause any street or section of a street, upon the petition of a majority of the owners of lots fronting thereon, to be graded, gravelled, paved, flagged or otherwise improved and regulated in such manner as they may deem advisable, at the expense of the owners of lands and real estate fronting or bordering on the line of said street or section of a street. To grade, &c., streets upon petition of owners.

25. *And be it enacted*, That the common council shall cause notice to be given three times in one or more of the daily newspapers published in the city of Trenton, of the proposition for making any improvement or doing any work under the preceding section, or of causing the sidewalks of any street or section thereof to be paved, curbed and guttered before any ordinance for those purposes shall be adopted; and such notice shall request persons objecting thereto to present the same at a meeting of council, the time of which shall be named in said notice. Notices for improvement to be published.

26. *And be it enacted*, That whenever council shall determine by ordinance to lay out, open, or to alter, straighten or widen any street, road, avenue, highway or alley, they may purchase the lands and real estate necessary therefor, at a sum they think proper and just, and assess the amount of such purchase money, with all other expenses therefor, upon the lots benefited by said improvement; in case they cannot agree with the owner or owners of such lands and real estate for the same, or when by reason of the legal incapacity or absence of the owner or owners no such agreement can be made, it shall be lawful for one of the judges of the court of common pleas of the county of Mercer, upon application made, to appoint under his hand and seal three judicious and impartial freeholders of said county, commissioners to estimate and appraise the damages which any such owner or owners will sustain by the laying out, opening or widening of such street, having due regard to the injury or benefit of the owner or owners by making such improvement; and the said commissioners shall assess the amount of said damages upon May purchase lands to lay out streets.

Costs and expenses to be assessed on lots benefited.

Proceedings in case owners or council cannot agree.

Commissioners to take oath.

Commissioners to make report.

Notice of assessment to be given.

the lots, as in their opinion, will be benefited thereby, giving a short description thereof, with the name or names of the owners and the amount assessed upon each lot, which assessment shall be embraced in the report of said commissioners to be made; in making said appointment the said judge shall designate the time, not exceeding ten days thereafter, and the place, five days' notice whereof shall be given by the borough clerk in one or more daily newspapers published in the city of Trenton, where said commissioners shall meet, and having taken an oath or affirmation faithfully and impartially to perform their duties, proceed to view said lands and real estate, and make a true estimate and assessment as aforesaid; they may swear witnesses and listen to parties interested, and adjourn from time to time, and within twenty days after their first meeting shall report their proceedings, with the estimate and assessment, to the borough clerk, who shall present the same to the common council at their first meeting thereafter; which report, or a copy thereof, certified by the borough clerk, shall be plenary evidence of the power of the common council to enter upon, take and use said land or other real estate, with the appurtenances, the collector of said borough first tendering to the owner or owners thereof, if resident in this state, the amount so awarded them; but if any such owner is not a resident of this state, or upon reasonable inquiry cannot be found therein, or is a lunatic or idiot, or under age, or otherwise incapacitated to accept the same, or will not accept the same and give a receipt therefor when tendered, then the treasurer shall make and file an affidavit of such fact with the borough clerk, and the common council shall cause the amount to be invested on good security for the use of the person to whom it may be due, and shall be paid to such person on demand, with the interest collected on the same; and the common council may allow and add to the amounts of such assessments such compensation to the judge and clerk and commissioners as they may think reasonable and just.

27. *And be it enacted*, That the common council shall, within two weeks after the presentation of said report, cause a notice of the proportion of said assessment and costs to be served upon every person, his or her legal representatives or guardian against whom the same is made, and whose residence is in the county of Mercer aforesaid, and direct a like notice to be inserted in one or more of the daily newspapers

published in the city of Trenton for one week, and unless within three weeks from the presentation of said report, two-thirds of said persons, their legal representatives or guardians, shall file with the borough clerk their refusal, in writing, to agree to such assessment and costs, then the same shall be binding and conclusive on all parties, and shall from thence until paid, be due from said several persons, with interest, to said city, and be a lien on the several lots against which the same is assessed, for the satisfaction of any judgment to be obtained therefor, and the said "The Borough of Chambersburg," may sue for and recover of each person so assessed, his or their proportion of said assessment, with interest and costs, by an action of debt, in any court of competent jurisdiction, and if any of said persons reside out of this state, a writ of attachment may be resorted to as in other cases of non resident debtors, and the said proceedings of said common council, judge and commissioners shall be conclusive evidence against the defendants; but if within said three weeks, two-thirds of said persons, their guardians, or legal representatives, shall file their refusal, then no further proceedings shall be had to enforce the collection of such assessment; the common council may at any time within four weeks after the presentation of said report determine to abandon such proposed improvement, and upon so determining their right to take said lands, and the right of the owners thereof to recover the valuation thereof, shall cease and determine.

Assessments  
to remain a  
lien.

Actions of  
debt may be  
brought.

Council may  
abandon pro-  
posed im-  
provement.

28. *And be it enacted*, That it shall be the duty of the common council, as soon as convenient, to establish the grades of all the streets and alleys which now are, or may hereafter be opened in said borough, and to cause the surveyor to record the same in a book, to be provided for that purpose, and also a profile or draft of the same to be filed, and whenever the owners of property shall have paved, curbed and guttered their sidewalks according to the grade so established, the same shall not be altered, unless such alteration be made at the public expense.

Council to es-  
tablish grades.

29 *And be it enacted*, That if the owner or owners of any lot, alley or passage-way in front whereof the sidewalks or gutters shall, by any ordinance of the common council, be directed to be leveled, graded, curbed, paved, repaved, flagged or graveled, shall neglect to comply with such ordinance for the space of one month from the time of its passage, it shall

Failure of  
owner to  
grade, &c.,  
council may  
order the same  
done.



be lawful for the common council to cause the same to be done under the direction and superintendence of the street commissioner, and the expenses thereof certified and sworn to by such commissioner and filed with the clerk of said borough, shall be and remain a lien upon said lot until the same shall have been paid and satisfied, and shall have priority over any recognizance, mortgage, judgment, debt, obligation or responsibility which the said lot may become liable to from and after the passage of this act; and to enforce the payment of the said expenses the common council may, at their option, either bring an action of debt, in the name of "The Borough of Chambersburg," in the township of Hamilton, in the county of Mercer, in any court of competent jurisdiction, against the owner or owners of such lot or lots for so much money paid, laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence and recover said expenses, with costs and interest, from the time of filing the said certificate with the borough clerk, and if any such owner or owners reside out of the state, an attachment may be issued as in other cases of non-resident debtors; or, having first advertised in two of the daily newspapers published in the city of Trenton, at least twice in each week, giving notice of the time and place of sale, with a short description of the lot and the name of the street on which it fronts, and specifying the amount of money so laid out and expended on the same, may at such time and place, sell at public sale, the said lot for the lowest term of years at which any person will agree to take the same, not exceeding fifty years, and pay said expenses, with interest thereon, from the filing of the certificate aforesaid, and such other expenses as may be incurred by said advertisement and sale; and thereupon the mayor of said borough shall execute and deliver under his hand and seal of said borough, a declaration of said sale to the purchaser thereof; and such purchaser, his executors, administrators or assigns, by virtue thereof and of this act, shall lawfully hold and enjoy the same for his and their proper use, until said term be fully completed and ended; and shall be at liberty to remove all the buildings or materials which he or they shall erect thereon; but he or they shall leave said premises at the expiration of the term, in as good order and condition as they were at the beginning thereof, natural wear thereof and damages by the elements excepted, and shall pay all taxes and assessments which shall

Expense to  
remain a lien.

Actions of  
debt to en-  
force payment

Lots to be  
sold at public  
sale for non-  
payment of  
expenses.

be legally assessed thereon during said term; and if the owner or any incumbrancer of said lot shall, within six months after such sale, pay to the said purchaser, his executors, administrators or assigns, the amount of money so paid by him to the said borough, with the amount paid for any fences erected thereon, with all taxes and assessments paid thereon by such purchaser or assigns, and interest at the rate of ten per centum per annum upon the amount of such payments so made by said purchaser or his assigns, then the said owner or incumbrancer shall be entitled to re-enter and repossess the said lot in the same manner, to all intents, as if such sale had not been made.

30. *And be it enacted*, That whenever the common council order and direct any street or section of any street to be graveled, paved, flagged or otherwise improved as authorized by and under subdivision three of section twenty-four of this act, the said work shall be done under the superintendence of the street commissioner, who shall assess the expense thereof upon the lots fronting or bordering on such street or section thereof, in such proportions as shall seem just to said commissioner, and the said expense sworn or affirmed to by said commissioner, and filed with the borough clerk, shall fix and determine the amount thereof; and the assessment of the proportion of the expense to which each lot is liable, made, certified and sworn or affirmed to be just by said commissioner, and filed as aforesaid, shall fix the proportion of the whole expense for which each lot shall be liable, and the amount so assessed against each lot shall be and remain thereon until the same shall have been paid; and it shall be the duty of the common council to enforce the payment thereof in the same manner as is provided in the preceding section for enforcing the payment of expenses for paving sidewalks.

Gravelling,  
paving and  
flagging to be  
done under  
street com-  
missioner.

Commission-  
ers to assess  
expense on  
lots fronting  
on streets.

31. *And be it enacted*, That from and after the passage of this act the powers and duties of the overseers of the roads or highways of the township of Hamilton, or other officers of said township over the streets, highways, roads, alleys, turnpikes within the limits of the said borough of Chambersburg shall cease, and no moneys shall be raised in said township for roads, streets or highways in said borough, nor shall any tax be assessed and collected in said borough for making and keeping in repair roads or highways in that part of said township outside of said borough limits.

Powers and  
duties of over-  
seers of high-  
ways to cease.

Actions, &c.,  
how conduct-  
ed.

32. *And be it enacted*, That unless, when otherwise directed, all actions or proceedings before the mayor or acting mayor, under the provisions of this act, shall, as nearly as may be, be regulated by the provisions, and conducted in the manner prescribed by "An Act constituting courts for the trial of small causes," and the several supplements thereto, and the court, by such mayor, shall be a court of record, and vested, for the purposes mentioned in this act, with all such power as is usual in courts of record of this state.

Mayor to issue  
warrants and  
try offenders

33. *And be it enacted*, That the mayor shall be empowered on oath or affirmation made according to law, and filed in his office, that any person or persons has or have been guilty of violating any of the ordinances of said borough, to issue process either in the nature of a warrant or a summons against such person or persons, which, when in the nature of a warrant shall be returnable forthwith, and when in the nature of a summons, shall be returnable in not less than five nor more than fifteen days; that such process shall state what ordinance the defendant has violated, the time when, and in what manner the same has been violated; and that on return of such process, or at the time to which the mayor shall have adjourned the same, the said mayor shall proceed to hear testimony, and to determine and give judgment in the matter without filing of any pleadings; and that the mayor shall, if the defendant or defendants be adjudged before him to be guilty of such violation, forthwith issue execution against the goods and chattels and person of the defendant or defendants for the amount of fine imposed, with cost, or shall commit said defendant or defendants to the county jail, if judgment of imprisonment shall have been pronounced and given by said justice for such violation.

Keeper of  
county jail to  
receive per-  
sons commit-  
ted.

34. *And be it enacted*, That it shall be the duty of the keeper of the jail of the county of Mercer to receive and safely keep every person who shall have been committed by the mayor or acting mayor of said borough to said county jail under the authority of the last preceding section, and of any ordinance of said borough.

No person  
deemed in-  
competent as  
juror, &c.

35. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which the said "The Borough of Chambersburg" is a party or is interested, no person shall be deemed to be incompetent as a judge, witness or juror by reason of his being an inhabitant or freeholder of said borough; and that if any person shall be sued

or impleaded by reason of any thing done by virtue of this act, it shall be lawful to plead the general issue, and give this act and special matter in evidence at the trial.

36. *And be it enacted*, That no member of the common council shall be appointed to or be competent to hold any office the salary of which is paid from the borough treasury, or become security for any contract under said borough.

37. *And be it enacted*, That the first election under this act shall be held at the house of Isaac Rouner, in said borough, on the second Monday in April, eighteen hundred and seventy-two, between the hours prescribed by law for holding state elections; that William B. Garrison shall be the judge, and A. G. Staats and George Henry the inspectors, and John Johnson, clerk of such election, and if possible, give one week's notice thereof, and they shall certify the result and the said clerk shall post the same, and give notice of their election to the persons chosen thereat, as is in this act prescribed for the annual elections.

Time and  
place of hold-  
ing first elec-  
tion.

Election offi-  
cers.

38. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCLVIII.

An Act to create the Delaware Horse and Mule Insurance Company of Hunterdon county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Thatcher, Jonathan Higgins, William S. Morse, Joseph G. Bowne, Ely Kitchen, Daniel R. Sharp, Charles S. Johnson, Joseph Williamson, Cyrus Risler, Isaac S. Cramer, Gideon Moore, Isaiah Moore, William R. Bearner and others, their successors and assigns, shall be and are hereby ordained, constituted, and declared a body corporate in fact and in name, by the name of the "Delaware Horse and Mule Mutual Insurance Company," and by that name shall have perpetual succession during the

Corporators.

Name and  
powers.

continuance of this act; and shall be capable of suing and being sued, pleading and be impleaded, answering and being answered unto, defending and being defended, in all the courts and places whatsoever; and that they and their successors may have a common seal, and may alter and change the same at pleasure; and also, that they and their successors by the name of "The Delaware Horse and Mule Mutual Insurance Company," shall be in law capable of purchasing, holding and conveying, any estate real or personal for the use of said corporation; *provided*, that the said real estate which it may be lawful for the said company to hold, be only such as is necessary for the corporation in the transaction of business thereof, or such as shall be taken in security for or in payment of debts.

*Proviso.*

All persons insured to become members.

2. *And be it enacted*, That all persons who shall insure in said company shall be considered as members of the said corporation, and the property of said corporation shall be conducted and managed by not less than five nor more than nine directors, a secretary and treasurer, all of whom shall be citizens within the boundaries of said association, which shall be a circle with a radius of six miles, having Sergeantsville as a centre, and shall not hold a like office or agency in any other live stock insurance company, to be chosen by ballot by and from among the members, to hold their office for the term of one year, except in such case as may be hereinafter mentioned, and until others are chosen.

Election of directors.

3. *And be it enacted*, That the first election for directors and other officers of the association shall be held on the second Saturday of April, one thousand eight hundred and seventy-two, at the village of Sergeantsville, and the first Saturday of January of each and every succeeding year; public notice of which shall be given by the secretary in at least ten conspicuous places within the limits of said company at least two weeks previous to holding such election; and if any of the directors shall die, or neglect or refuse to act in the said office to which they may be elected, for the space of three months, then the remaining directors shall have full power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen there should be no election on the time herein mentioned, the said corporation for that cause shall not be dissolved, but it shall be lawful on any other day to hold an election for directors; *provided, always*, that the said election shall have been duly

Failure to elect not to dissolve.

*Proviso.*

advertised as before named, and held between the hours of ten o'clock A. M., and six o'clock P. M.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to make all and every insurance appertaining to or connected with the lives of horses and mules belonging to citizens within the boundary aforesaid, except droves of horses or mules, or horses belonging to horse cars or liveries, and horses used for hauling logs and wood continuously, subject to such rules, regulations and by-laws as may be adopted at any regular or special meeting called for that purpose; *provided*, that no stallion shall be insured for more than five hundred dollars, and no mare or gelding for more than three hundred dollars, and no span of mules for more than four hundred dollars. May insure horses, mules, &c.  
Proviso.

5. *And be it enacted*, That, William H. Larue, Cornelius Q. Higgins, Robert H. Moore, Thomas Dalrymple, Jonathan M. Dilts, John C. Sine, Jeremiah H. Trout, James J. Fisher, Nathaniel Shepherd, be and they are hereby appointed directors, and Gideon Moore secretary, and Cornelius Q. Higgins treasurer, to have and to hold their respective offices until the second Saturday of April next, or until others are chosen in accordance with the provisions of this act; and further, that the said directors hereinbefore mentioned shall, as soon as convenient after the passage of this act, and the directors chosen agreeably to the provisions of this act shall, as soon as convenient after their election, proceed to choose out of the said board one person to be president, whose duty it shall be to preside at all meetings, until the annual election thereafter; and in case of death, resignation, or inability to serve, such vacancy may be filled for the remainder of said term by such person as the board of directors may appoint, and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers as this act or the by-laws of said association may provide; *provided*, that the said president of the said company shall hold his office at the pleasure of the board of directors, and subject to removal by them. First directors  
Officers.  
President.  
Vacancies, how filled.  
Proviso.

6. *And be it enacted*, That all policies of insurance made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such times, as shall be from time to time ordained and prescribed by the by-laws, rules and regulations of the said corporation; *pro-* Policies of Insurance.



Proviso.

*vided*, that no policy of insurance be issued for more than five years, and that no transfer of any policy of insurance of the said company shall be valid for more than twenty days after such transfer, unless it be entered upon the books of the said corporation, and certified to by the secretary, and in no case shall any policy be transferred out of the bounds of said company.

Officers to give bond and take oath.

7. *And be it enacted*, That the directors shall take bond of the treasurer, and such agents and assistants as may be appointed by the corporation, for such sums as they shall think proper, for the faithful performance of their duty, and that each director, surveyor, treasurer, secretary, agent or assistant shall, before he enters upon the duties of his office, take the following oath or affirmation (as the case may be): "I do swear (or affirm) that I will honestly and faithfully execute the duties of \_\_\_\_\_ of this association, agreeable to the provisions of this act and the trust imposed in me, to the best of my skill, knowledge and judgment;" which oath or affirmation the president or secretary is hereby authorized to administer.

Oath.

Duties of the secretary.

8. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, attend the same, and keep a faithful record of their proceedings, fill up all policies of insurance, countersign the same, and seal the same with the seal of the corporation, and perform such other duties as the association may from time to time by their by-laws direct.

Owner to notify company of death of any animal

9. *And be it enacted*, That in case of loss by death of any animal insured in said company, the owner thereof shall notify, within twenty-four hours after the death of said animal, three members of the said association living nearest to the owner of said animal, whose duty it shall be to examine without unnecessary delay, into the cause of the death of said animal, and if satisfied, to the best of their judgment and belief, that the owner of said animal took good care of and exercised a reasonable degree of precaution to prevent the death of said animal, shall then proceed to report the facts to the nearest director, whose duty it shall be to transmit the same to the secretary of the company within ten days from the time of receiving such report.

In case any animal becomes disabled, &c.

10. *And be it enacted*, That in case of any animal insured in this company becoming so disabled through sickness or accident, that the owner thereof may consider the same worth-

less or incurable, he or she may make application to the president, who shall appoint three members living nearest the owner of said animal to view the same, and it shall be the duty of said persons, without unnecessary delay, to examine and inquire into the condition of said animal; and if, after having taken into consideration the best of all the evidence at their command, they are fully satisfied in their opinion that the said animal has become worthless and incurable, they shall direct the owner to kill the same, and proceed as is provided for in case of death.

11. *And be it enacted*, That the president or secretary shall have power to call a special meeting of the board when he shall deem the interest of the said association demand the same, and the board shall cause a statement of their doings to be made at the annual meeting; any twenty members calling for a special meeting of the board or of the association, the president shall convene said board or association within thirty days, and a majority of the whole number of directors, when met agreeable to public notice, shall constitute a quorum to transact business, and the same shall be entered upon the books of the association, which books shall be open at suitable times for the inspection of the directors and members. Statement to be made.

12. *And be it enacted*, That if the chartered privileges hereby granted shall at any time prove injurious to the public welfare, or need alteration, it shall be lawful for the legislature to amend, modify or repeal the same; *provided*, that no contract made by said corporation before such repeal shall be affected thereby, and that the said corporation shall have a reasonable time to bring their accounts to a final settlement. Act may be repealed. Proviso.

13. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1872.

## CHAPTER CCCCLIX.

A Supplement to an act entitled "An Act to incorporate the Ocean Grove Camp Meeting Association of the Methodist Episcopal Church," approved March third, eighteen hundred and seventy.

**Buildings and improvements subject to taxation.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all buildings and improvements that are now or may hereafter be erected on lands of the "Ocean Grove Camp Meeting Association of the Methodist Episcopal Church," shall be subject to taxation and assessment in the township wherein the same are located, and not elsewhere, at the same time and in the same manner as other taxes are assessed and collected in the county of Monmouth, except as hereinafter provided.

**Failure to pay taxes buildings to be sold by collector.** 2. *And be it enacted*, That if said taxes are not paid within sixty days after the same become due, it shall be the duty of the township collector to make return of said taxes to a justice of the peace of said county, who is hereby authorized and required to issue a warrant to said collector, commanding him to make distress and sale of said buildings and improvements and other vendible property of the owner or owners thereof, as will be sufficient to pay said taxes with costs, and it shall be the duty of said collector to advertise said sales in one newspaper published in Monmouth county nearest to said association, once a week for four successive weeks prior to said sale.

**Sale to be advertised.**

**Repealer.**

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLX.

A Further Supplement to the act entitled "An act to incorporate the Elizabeth City Horse Railroad Company," approved April second, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section fourteen of the act entitled "An Act to incorporate the Elizabeth City Horse Railroad Company," approved April second, eighteen hundred and sixty nine, and so much of section one of the act approved March seventeenth, eighteen hundred and seventy, being a supplement to the said act approved April second, eighteen hundred and sixty-nine, as require the said company to pave their track or tracks between the rails and on the outer side thereof, and to pay to the city of Elizabeth, whenever the said company shall occupy with their tracks or turnouts any street within said city, which, before the time of said occupation, had been paved, such amount of the cost and expense of such pavement as may have been expended in paving between the rails of said tracks and turnouts, and three feet on the outer side of said rails, be and the same are repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1872.

## CHAPTER CCCCLXI.

A Further Supplement to the act entitled "An Act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct," passed November sixteenth, seventeen hundred and ninety-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appointment of commissioners to ascertain and assess damages on the application of said corporation provided for by an act entitled "A Further Supplement to the act entitled 'An Act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct,' passed the sixteenth day of November, seventeen hundred and ninety-nine," which supplement was approved February seventeenth, eighteen hundred and sixty-two, may be made by either one of the judges of the court of common pleas of the county of Morris, or one of the justices of the supreme court of this state, and in any proceedings for condemnation under said supplement, no publication in a newspaper shall be required in cases where notice shall be served upon the owner or owners in person, and the appeal from the award of said commissioners shall be taken to the circuit court of said county, instead of the court of common pleas, as provided for in said supplement; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal; and also to order any jury which may be empannelled and sworn to try any such appeal to view the premises in question during said trial, and the right of said corporation to appeal from and dispute the correctness of any award, shall not be waived or taken away by their paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded when tendered, and upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other, as the right and justice

Proceedings in case of appointment of commissioners to ascertain and assess damages.

Right of corporation to appeal not to be waived.

of the case shall require, and shall award to the party substantially succeeding in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachment for non-payment thereof.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXII.

A Supplement to an act entitled "An Act to incorporate the Paterson and Haledon Horse Railroad Company," approved April third, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time designated for the completion of said road by the thirteenth section of the act to which this act is a supplement be and the same hereby is extended to the fourth day of July, anno domini one thousand eight hundred and seventy-four. Time for completion of road extended.

2. *And be it enacted*, That the track provided for in the seventh section of the act to which this is a supplement, may be of the same width as the track of the Paterson and Little Falls Horse Railroad Company, and that it shall be lawful for the Paterson and Haledon Horse Railroad Company to unite their track with the track of the Paterson and Little Falls Horse Railroad Company's road at any point on Ham- Width of track burgh avenue, in the city of Paterson; and also that it shall be lawful for the said the Paterson and Haledon Horse Railroad Company to extend their track northerly from the old Pompton road to any point in the township of Man- May unite and extend track. chester.

3. *And be it enacted*, That in place of Elisha Bloomer, Edwin T. Prall and Myron H. Chapin named as incorpora- Incorporators and commis- sioners.



tors and commissioners with others mentioned in the act to which this is a supplement, David B. Beam, Harmon Hockenberry and Andrew A. Snyder are hereby designated as incorporators and commissioners as aforesaid.

May borrow  
money and  
issue bonds

May mort-  
gage works.

In case of de-  
fault of pay-  
ment of  
money person  
claiming may  
acquire title.

4. *And be it enacted*, That it shall be lawful for the said company from time to time to borrow such sums of money as may be necessary to construct and complete the works of said company, with the appendages thereto, authorized by the act to which this is a supplement, and to issue their bonds at such rates of interest as may be stipulated, and to sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury; and for securing the payment of the same, full power and authority is hereby granted to the said company to pledge or hypothecate by way of mortgage, trust or otherwise the whole or any part of the works of said company now or hereafter to be owned by said company, together with all the privileges, appendages and appurtenances of said company, and also all the franchises and chartered rights of said company; and such pledge, hypothecation, trust and bond and mortgage shall be valid in law for securing the payment of any sum or sums of money borrowed with the interest thereon accruing which the same may be given to secure, and in case default shall be made in the payment of any moneys so borrowed and secured the person or persons, body politic or corporate their legal representatives, successors or assigns claiming under such pledge, hypothecation, bond, mortgage or trust may by due process of law acquire the title to have, hold, use, occupy, and enjoy the said chartered rights, railroad tracks and all the property of said company and the franchises aforesaid, and take and receive the tolls, rents, issues and profits and advantage thereof, during the whole residue of the term for which the said company is chartered and incorporated, in as full and ample a manner as the stockholders of said company could or might have had, used and enjoyed the same, subject nevertheless to all the restrictions, limitations and conditions contained in the act incorporating said company; and any deed by which any pledge, hypothecation, mortgage or trust shall be created by virtue of this act shall be entered on record in the office of the clerk of the county of Passaic, the same first having been acknowledged or proved according to law.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

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### CHAPTER CCCCLXIII.

A Further Supplement to an act entitled "An Act to incorporate the Newark and South Orange Horse Car Railroad Company," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the completion and putting in operation of the Newark and South Orange Horse Car Railroad, now in course of construction, be, and hereby is extended to the fourth day of July, one thousand eight hundred and seventy-three. Act extended.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

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### CHAPTER CCCCLXIV.

An Act entitled "An Act to incorporate the Passaic County Savings Bank."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Franklin C. Beckwith, DeGrasse B. Fowler, Jacob T. Blauvelt, John Dunlap, Garret A. Hobart, Benjamin Buckley, Edwin R. Mason, James Jackson, John Shaw, Thomas D. Hoxsey, Watts Cook, Peter Dore-

mus, William G. Watson, Charles O'Neil and Christian Braun, and such other persons as are, or may be hereafter associated with them, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "Passaic County Savings Bank," to be located in the city of Paterson.

2. *And be it enacted*, That for the better security of depositors, there shall be a capital stock of one hundred and fifty thousand dollars, divided into fifteen hundred shares of one hundred dollars each, and the persons herein first named, or a majority of them, are hereby appointed commissioners to receive subscriptions to said capital stock, at such place in the city of Paterson, as they may appoint, giving at least ten days' notice in any newspaper published in said city, and when the whole of said stock shall have been subscribed, and at least ten per centum of the same paid to the said corporation in cash, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, by publication for at least five days in a newspaper published in said city of Paterson, for the purpose of electing a board of directors, as in the next succeeding section provided, whose duty it shall be to manage and conduct the affairs of the said corporation, and who shall hold their office until the second Monday in April, in the year eighteen hundred and seventy-three.

3. *And be it enacted*, That the affairs of said corporation shall be conducted by not less than fifteen directors, who shall be elected on the second Monday in April in each year, except the year eighteen hundred and seventy-two, when the election shall be held as stated in the preceding section; every stockholder shall be entitled to one vote for each share of stock held, and the directors so elected shall hold their places for one year, and until their successors are elected, and any vacancies caused by death, resignation or otherwise may be filled by the directors at any regular meeting; and shall own in his own right at least ten shares of the capital stock of the corporation, which shall be deemed personal property and transferable in such manner as the by-laws of said corporation may prescribe, and each stockholder shall be individually responsible, equally and ratably, and not one for another for all debts and engagements of the corporation to the full amount of his whole stock therein at the par value thereof.

4. *And be it enacted*, That after the election of the board

of directors as authorized in section two, and upon the organization thereof, the said directors shall proceed to elect by ballot one of their number to be president, and also two vice-presidents, and may elect or appoint in any other manner such other officers, agents and clerks, and fix or pay such compensations, and assign such duties to such officers, agents and clerks as they the said directors shall deem necessary for the proper and successful management of the said corporation, and all the officers and directors of said corporation shall be sworn to do their duties fairly and honestly, and such of their officers as shall have the control, custody or management of the moneys or property of the corporation shall be required to give bonds with such securities as the board of directors shall prescribe.

5. *And be it enacted*, That the board of directors shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they may judge proper for prescribing the duties, of their respective offices, and for regulating the times and places of meeting of the officers and directors, and for the transacting, managing and directing the affairs of the corporation; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States; and it shall be lawful for the said directors to call and demand from the stockholders of said corporation respectively, such installments, and at such times, and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, notice of which shall be published for at least ten days in a newspaper published in the city of Paterson, or shall be given in writing to each stockholder, for a like space of time, before such installments are required to be paid in, and in case of the refusal or failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of said corporation, but shall not be by such forfeiture released from his or her personal liability on his or her first subscription, in case of loss or deficiency.

6. *And be it enacted*, That the said corporation may receive on deposit all sums of money that may be offered therefor, in such amounts, and at such times, and upon such terms as the by-laws shall prescribe, which money shall be invested in the manner hereinafter directed, and be repaid to

Officers and  
compensation

May make  
rules and reg-  
ulations.

Provided.

May receive  
money on de-  
posit and in-  
vest the same.

the depositors or their legal representatives, at such times, and with such interest, and under such regulations as the board of directors may from time to time order; and the said corporation may accept and execute all such trusts of every kind as may be committed to them by any person or persons whosoever, by will or otherwise, or be transferred to them by order of any court.

Investment of  
deposits.

7. *And be it enacted*, That the said corporation may invest the money left with them on deposit, in such of the public stocks or bonds as are created and issued by the United States, or by the several states of the union, or by the several counties and cities in this state, under the laws thereof, and upon bond and mortgage, unincumbered real estate, worth at least double the amount invested; *provided* however, said corporation may make temporary loans upon personal securities or obligations, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; but the amount thus loaned on personal security, shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.

Proviso.

Regulating in-  
terest.

8. *And be it enacted*, That it shall be the duty of the board of directors to regulate the rate of interest allowed to depositors, so that they shall receive a just proportion of the profits upon the business of the said corporation after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the directors, be so regulated, as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum less than the rate allowed to other depositors; whose deposits shall not amount to the said sum; *and provided, also*, that said corporation shall not be required to allow interest upon any deposit under the amount of five dollars, nor upon the fractional part of five dollars, nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

Minors may  
give acquit-  
tance for de-  
posits.

9. *And be it enacted*, That it shall be lawful for the said corporation at their discretion, to pay to any depositor being a minor, such sum not exceeding five hundred dollars as may be due such depositor, in case where no guardian shall have been appointed in his or her behalf; and that the receipt or

acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his benefit. Proviso.

10. *And be it enacted*, That in case said corporation shall receive any deposit or deposits from any married woman, or from any single woman, who may afterwards marry, it shall be lawful for the said corporation to hold the same together with the interest or dividends which may accrue thereon, as the sole and separate property of such woman, as though she were single, not subject to the control nor liable for the debts of her husband; and to repay the same and interest and dividends, or any part thereof, upon her check, order or receipt, or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof. Deposits by females not to be controlled by husband.

11. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, any real estate or personal property required for its use, or which it may buy upon sales for the foreclosure of mortgages, or for the satisfaction of judgments to which the said corporation is a party, or in which it is interested; and the said corporation may sell, lease or otherwise dispose of the said real estate or personal property or any part thereof, at their will and pleasure; *provided*, that no purchase or sale of real estate shall be made without the consent of a majority of all the directors. May hold real or personal estate, &c. Proviso.

12. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and the state of its funds to the secretary of state of the state of New Jersey, which report shall be verified by the oaths or affirmations of the president, secretary or treasurer of said corporation. Annual report

13. *And be it enacted*, That all certificates or evidence of deposit made under the hand of the proper officers of the corporation, shall be as binding as if the same were made under their common seal. Certificates of deposit binding.

14. *And be it enacted*, That the directors shall be at liberty at any time to refuse deposits, and on giving one month's notice, to return such as have been made, with interest thereon to date of payment. Directors may refuse deposits

15. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation, and Deposits to be entered.



every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Capital stock  
not to be with-  
drawn.

16. *And be it enacted*, That the board of directors shall not at any time withdraw, or permit to be withdrawn, any portion of the capital paid in during the existence of the corporation; and if from any cause losses shall happen, no dividends shall ever be made until the same shall be made good, so that the capital stock shall always remain unimpaired.

Place of busi-  
ness.

17. *And be it enacted*, That the office or place of business of said corporation shall be in the city of Paterson; and that the books of said corporation shall be at all times open to such person or persons as the legislature may from time to time delegate, for inspection and examination.

Failure to  
elect directors  
not to dissolve

18. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct.

Act, how  
construed.

19. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts favorably and benignly and for every beneficial purpose therein intended; and that no misnomer of the said corporation in any deed, gift, grant or demise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties; *provided, also*, the legislature may at any time hereafter amend, alter or repeal this act.

Proviso.

Proviso.

20. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1872.

## CHAPTER CCCCLXV.

An Act to confirm the will of Mary C. Le Fevre, deceased,  
late of Morris county, New Jersey.

WHEREAS, Mary C. Le Fevre, feme covert, in her lifetime Preamble.  
made and executed her last will and testament, conveying  
real estate, dated March sixteenth, one thousand eight  
hundred and sixty-one; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of  
the State of New Jersey*, That the will of the said Mary C.  
Le Fevre, deceased, late of Morris county, New Jersey, shall Will declared  
valid.  
be taken to be as valid and effectual in law as if the same  
had been made and executed since the passage of the "Act  
concerning married women," passed March twelfth, one  
thousand eight hundred and sixty-four, allowing married  
women to make wills, and that this act shall be deemed and  
taken to be a public act.

2. *And be it enacted*, That this act shall take effect im-  
mediately.

Approved April 3, 1872.

## CHAPTER CCCCLXVI.

Supplement to "An Act to incorporate the Citizens' Sav-  
ings Bank of Passaic," approved April fifth, eighteen hun-  
dred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of  
the State of New Jersey*, That for the better security of de- Capital stock.  
positors, there shall be a capital stock of fifty thousand dollars,  
divided into shares of one hundred dollars each, and the per-  
sons named in this act are hereby appointed commissioners

Election of  
managers.

to receive subscriptions to said capital stock, at such place in the village of Passaic as they may appoint, giving at least ten days notice in the newspapers published in said village, and as soon as the whole of said stock is subscribed and ten per centum of the same paid in to said corporators, they shall organize as managers of said savings institution, and elect by ballot one of their number, duly qualified to be president, and the board of managers thus organized shall elect all other officers as may to them appear necessary for conducting the business of the corporation, which officers, so chosen and appointed shall be under oath and give security for the faithful performance of the duties of their respective offices.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

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## CHAPTER CCCCLXVII.

An Act to incorporate the Newark Printing Company.

<p>Corporators.</p> <p>Name and powers.</p> <p>Amount of capital stock.</p> <p>Commissioners to open books and receive subscriptions.</p>	<p>1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i>, That Theodore Runyon, Samuel Klotz, David Anderson, Joseph G. Hill, and Gustavus N. Abeel, and their associates and successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Newark Printing Company," for the purpose of carrying on the business of printing and publishing books, newspapers, and all other kinds of printed matter; the capital stock of said company shall be ten thousand dollars, with the privilege to raise the same to twenty thousand dollars; the affairs of said company shall be managed by not less than five directors, who shall be stockholders; that so soon as five thousand dollars of stock shall be subscribed for and paid in, in cash or its equivalent, the said company may commence business; that the above named corporators shall be commissioners to open books of subscription, and when five thousand dollars is subscribed, may call a meeting</p>
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of the stockholders, who may elect directors for the ensuing year; that the election for directors shall be held annually, on such day as the by-laws may fix.

2. *And be it enacted*, That the said corporation shall enjoy <sup>General powers</sup> the same privileges, and be subject to the same restrictions contained in "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXVIII.

An Act to incorporate the Young Men's Christian Association, of the City of Bayonne.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George H. Kennedy, L. S. <sup>Corporators.</sup> Marsh, T. Theo. Burke, Henry C. Selvage, William Morris Imbrie, Henry Meigs, junior, William D. Myers, R. V. R. Schuyler, Abraham J. Van Buskirk, Charles D. Wadsworth, A. C. Humphreys, Alfred S. Thalcomson, George H. Gale and T. J. Kennedy, and their associates and successors, are hereby constituted a body corporate, by the name of "The <sup>Name.</sup> Young Men's Christian Association, of the City of Bayonne."

2. *And be it enacted*, That the objects of this incorpora- <sup>Object.</sup> tion shall be the improvement of the spiritual, mental, social and physical condition of young and other persons, by the support and maintenance of systems of lectures, sermons and other services, libraries, reading rooms and social meetings, and by such other means, not inconsistent with the object of the association, as the board of directors may devise.

3. *And be it enacted*, That the business, affairs and estate <sup>Board of directors to manage affairs.</sup> of said corporation shall be managed and conducted by a board of directors, to consist of the officers of the association and at least one person from each evangelical denomination

represented in the association, each of whom shall be a member in good standing of some evangelical church; the officers and board of directors of "The Young Men's Christian Association of the City of Bayonne," as hereinbefore named in section one of this act, elected prior to January first, eighteen hundred and seventy-two, shall constitute the first board of directors to manage and conduct the affairs and estate of the Young Men's Christian Association created by this act, and shall hold their offices until others are elected to fill their places, as provided by the constitution of the association hereby incorporated.

May make by-laws, &c.

4. *And be it enacted*, That the said corporation may adopt such a constitution and by-laws, and the board of directors such by-laws and rules for the regulation of its business, the management of its affairs, the choice, powers and duties of its officers and agents as are not inconsistent with its character and the laws of this state.

May purchase, hold and convey real estate

5. *And be it enacted*, That the body corporate created by this act shall be capable of taking by purchase, gift, devise or bequest, and holding and conveying real or personal estate, moneys or other articles for the uses of said corporation, not exceeding in value ten thousand dollars; and so long as the said real estate, or the income of the same, shall be used exclusively for the purposes of this association; and said real estate shall be vested in and managed by the officers and board of directors of the association.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

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## CHAPTER CCCCLXIX.

An Act to incorporate the Pompton Horse Car Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius A. Wortendike, F. Corporators.

S. Littlejohn, Delos E. Culver, Hezekiah H. Watkins, Isaac Demarest, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate in fact and in law, by the name of "The Pompton Horse Car Railway Company," Name. and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper; and as soon as the sum of ten thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders to choose five directors; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription book and money paid in, after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president the said board of directors, or a majority of them, may Commissioners to open books of subscription. Election of directors. Vacancies, how filled.



appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Failure to  
elect directors  
not to dissolve

4. *And be it enacted*, That the directors of the said corporation shall be five, and in case it shall happen that an election of directors should not be made during the day when pursuant to the by-laws of the said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time on giving at least twenty days' notice in one or more newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

Failure to pay  
subscriptions  
to work for-  
feiture.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company by such installments, and at such times as they may direct, by giving twenty days' previous notice in two newspapers published in the county of Passaic; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and to fix such salaries to them and to the president as to the said directors shall deem proper.

Proviso.

Authorized to  
survey, lay  
out and con-  
struct a rail-  
road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near the "Norton House," in the township of Wayne, in said county of Passaic, to some convenient point on the New Jersey Midland railway, in the township of Pompton, and with branch roads to connect with any other railroad or railroads in the county of Passaic and in the county of Morris, at or near Beavertown, and to locate and construct

said railroad not exceeding one hundred feet in width ; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and locating the same ; and to make and erect all necessary works, buildings and the appendages thereof, doing no unnecessary injury to private property ; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and others in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and erect embankments, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of said railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided.

7. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required land for the use or purchase thereof, or by the reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which such lands may be, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages,

May enter on  
lands, &c.

Proceedings  
in case com-  
pany and own-  
ers cannot  
agree.

upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners ; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same and an assessment of damages to be paid by the said company ; which report shall be made in writing, under the hands of said commissioners, or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county in which such lands may be, to remain of record therein ; which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county (the damages and costs assessed and adjudged being first paid as hereinafter mentioned), shall at all times be considered as plenary evidence of the right of said company to have, hold, use, possess, occupy and enjoy the said lands ; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees, and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings  
in case of ap-  
peal.

8. *And be it enacted*, That in case the said company or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the county in which such lands may be at the first term after filing the said report, by proceeding in the form of petition to the said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between

the said parties, and order a jury to be empanelled and sworn, as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the same court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court may direct; but such application shall not prevent the company from taking the said land, upon filing the said report; *pro-* Provido. *vided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages; but in case the party or parties entitled to receive the amount assessed by the commissioners shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Passaic or the county of Morris, where the lands may be, shall be deemed valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade Provido. of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed or otherwise, at such point or

points, shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroad.

May purchase  
equipments,  
and rates of  
fare.

Proviso.

Proviso.

Dividends.

May have and  
hold real es-  
tate.

9. *And be it enacted*, That the president and directors of said company shall have the power to have constructed, or to purchase with the funds of the company, and place and use on such railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than ten cents per mile for each passenger, and fifteen cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, and four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of wheels, and the length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are; and that said railroad and its appendages and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of this charter.

10. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they may deem prudent and proper from time to time, out of the net profits of said railroad.

11. *And be it enacted*, That the said company may purchase, have hold and occupy such real estate at or near the commencement and termination of said road, and at such

points along the line of said road as may be necessary for the convenient transaction of business, not exceeding five acres in each place; and may erect and build thereon depots, houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain over such streams, canals or water courses as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

12. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, cars, vehicles, animals or work of said corporation, such person or persons shall forfeit and pay therefor to the corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of the same. Penalty for injuring works.

13. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, and enjoying all the privileges and subject to the restrictions created by this act. When to commence running cars.

14. *And be it enacted*, That as soon as the said railroad, or any part thereof, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount, appendages, and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost of equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property Statement of costs to be made. State tax.



as now taxed in the township wherein it lies, at the same time and rate, and in the same manner, for the purposes, and by the same person or persons, as the other taxes assessed in said township; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

Free passes.

15. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools, and the principal of the normal school, whilst traveling for the purposes of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company free of charge during the year or years for which they are elected.

Authorized to  
issue bonds.

16. *And be it enacted*, That the said corporation shall have power to borrow, after fifty per centum of the capital subscribed shall have been paid, or secured to be paid, such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair such road, and furnish the said company with all necessary rails, buildings, cars, vehicles, and animals, for the use and object of said corporation, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum.

May lease or  
consolidate  
with any  
other com-  
pany.

17. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to lease its road or to consolidate with any other company, and after such lease or consolidation, such company may use and operate said road according to the provisions and restrictions contained in the charter of such company, or the said corporation may make contracts and engagements with any other company or corporations, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of tolls and fare as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

18. *And be it enacted*, That if the said railroad is not com-

pleted within five years from the fourth day of July next, Time for completion. then and in that case, this act shall be void.

19. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXX.

A Supplement to "An Act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, eighteen hundred and thirty-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said company be and it is hereby authorized to survey, lay out, construct, maintain and operate a railroad not exceeding one hundred feet in width, from some point on their present road, known as the Weehawken Branch Railroad, at or near its intersection with Ferry street, near the foot of the hill, to some point on the company's lands, in the township of West Hoboken, and with the like power to place and run engines and cars thereon, and to demand and take fare, and charge for transportation of passengers, goods, packages, chattels and merchandise on said road, as is given in section one of a supplement to said original act of incorporation, approved March thirteenth, eighteen hundred and fifty-one. Authorized to survey, lay out and construct a railroad.

2. *And be it enacted*, That after said company shall determine the location and route of said railroad, it shall file a map thereof in the office of the secretary of state. Map to be filed

3. *And be it enacted*, That if said road shall cross the lands of any other person or corporation, and the said company cannot agree with the owner or owners thereof for the use or purchase of such portion of the same as shall be required for the use of said road, as shown on said map, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, such land so required shall and may be taken by said company for the use Proceedings in case company and owners cannot agree.

of said road, upon taking such proceedings in reference thereto, as is prescribed in like cases, in sections five and six of a supplement to the original act of incorporation, approved March eighth, eighteen hundred and sixty; or as is prescribed in section two of a supplement to said original act, approved March thirteenth, eighteen hundred and fifty-one; and for the purpose of carrying into effect the objects of this act, the said company shall be and it is hereby invested with all the rights, powers, authority and privileges given by the said original act of incorporation and the several supplements thereto.

Power to extend railroad.

4. *And be it enacted*, That after the completion of the said railroad mentioned in section one of this act, the said company may extend said railroad to a point in the town of Union, or in the township of North Bergen, not farther north than the Hoboken cemetery, and for the purpose of making such extension, said company shall have and exercise all the powers enumerated in sections one, two and three of this act.

May make tunnels.

5. *And be it enacted*, That in constructing said railroad or any extension thereof, the company may make a tunnel wherever they may deem it preferable to an open cut, and that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 3, 1872.

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## CHAPTER CCCCLXXI.

An Act to incorporate the Belleville Gas Light Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That William Jackson, James H. Van Rensselaer, William H. Webster, Hugh Holmes, S. V. C. Van Rensselaer, John W. Dow, John Eastwood, Cornelius Van Houten, Gasherie De Witt, Robert Osborn, John Spear, Charles H. K. Smith, Thomas Sealey and Joseph A.

Corporators

Dunbar, and all and every person or persons who may become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, in fact and in law, by the name of "The Belleville Gas Light Company," and by the said name said corporation shall have power to sue and be sued, plead and to be impleaded, contract and be contracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other material, for the purpose of lighting roads, streets, buildings, manufactories and public grounds, within the limits of the township of Belleville, in the county of Essex, and that under and by the aforesaid corporate name and style the said corporation shall have perpetual succession, and shall have power and authority to enter into, and to execute any and all contracts, agreements, undertakings and covenants for the furtherance of the objects for which said corporation was created, with power and right to enforce the same, in all proper ways and manners, under the laws of this state; and shall be capable of purchasing, taking and holding any estate, real or personal, and necessary to give effect to the specified purpose of this corporation, for the accommodation of their business and concerns, or which it may be necessary to acquire and hold for the purpose of securing debts, which may become due to it in the regular business of said corporation; and also to purchase and hold any and all patents and patent rights necessary for the purpose of carrying out the object and intent for which such corporation is created.

2. *And be it enacted*, That the said corporation shall be and is hereby empowered and authorized to enter upon and make any and all necessary and proper excavations for the laying down of gas pipes and conductors, and to erect all necessary posts, burners, lights and reflectors in any and all of the roads, streets, highways and public grounds, in the said township of Belleville, and to do all things necessary and proper to be done for the purpose of lighting the same, and the dwellings, and stores and other buildings, in said township; *provided*, that the public travel shall not at any time be unreasonably and unnecessarily obstructed or impeded thereby; and the said corporation shall put and leave such streets, roads, highways and public grounds in as good, perfect and permanent condition as the same were in before the laying of said pipes and erection of said posts.

Name and  
powers.

May enter on  
lands and  
erect posts.

Proviso.

**Capital stock.** 3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property and transferable on the books of the said corporation, as the said company shall by their by-laws direct.

**Commissioners to receive subscriptions.** 4. *And be it enacted*, That James H. Van Rensselaer, John Eastwood, Cornelius Van Houten, John Spear and Charles H. K. Smith, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and at such place or places, in the said township of Belleville, as they, or a majority of them, may think proper, by giving notice of the same in a public paper published in the city of Newark, at least two weeks previous to the time appointed; and whenever five thousand dollars of the capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall and may be lawful for the said corporation to commence business; and the above named persons, or a majority of them, may then give notice of a meeting of the stockholders to choose five directors, who shall be stockholders in their own right and name, and all of whom shall be residents of this state; and such election shall be made, at the time and place appointed, by such of the stockholders as shall attend for that purpose either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named persons, or a majority of them, shall be inspectors of the first election of directors for said corporation, and shall certify under their hands the names of the persons elected, and thereupon deliver the subscription books to the said directors; said directors shall hold their office for one year, and until others are elected in their stead, and shall fix the time and place of holding the annual meetings for the election of directors, notice of which shall be given in a public paper published in the city of Newark, at least one week before said election, and the directors chosen at any such meeting, shall as soon as may be thereafter, choose out of their own number a president, and in case of the death or resignation of the president, or of any director, such vacancy or vacancies may be filled for the remainder of the year, by a majority vote of said board, and in case of the absence of the president, the said board or a majority of them, may appoint a president pro tempore,

**Election of directors.**

**Vacancy, how filled.**

who shall have such powers and functions as the by-laws of said corporation shall provide.

5. *And be it enacted*, That if at any time an election shall not be held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as directed by the by-laws, at any time within one year.

6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business, and shall have power to call in the capital stock of said company in such installments, and at such times as they may direct, not exceeding ten per centum at any one time, and not less than thirty days after the previous installment, and in case of non-payment of any such installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and also, to make and provide such by-laws, rules and regulations, as to them shall appear needful, touching the management of the stock, property, estate and effects of said corporation; and further, shall have power to elect or appoint as many officers, superintendents, agents, clerks and servants, as to them shall seem meet; and to establish and fix their salaries, and that of the president, and have full power and authority from time to time, to open the books for further subscriptions, until the whole capital stock is taken.

7. *And be it enacted*, That if any person or persons shall wilfully injure any conduit, pipes, gasometer, or other things appertaining to, the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine, not exceeding two hundred dollars, or imprisonment, not to exceed one year, or both; *provided*, no such criminal prosecution shall impair the right of the company for damages by a civil suit.

8. *And be it enacted*, That the said corporation are hereby authorized and empowered to enter into contract with any other company to furnish said corporation with gas for the purposes before mentioned on such terms as may mutually be agreed on.

9. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary or expedient, and to mortgage their property and franchises, or otherwise to secure the pay-



ment thereof, and to execute all necessary securities therefor, with interest thereon not exceeding seven per centum per annum, and to sell and dispose of any bonds, obligations or assurances which they may issue, to secure the payment of the money so borrowed as aforesaid, at any rate of price they may be able to obtain for the same, without said obligations being in any way invalidated thereby.

Books of account to be kept

10. *And be it enacted*, That the said company shall cause to be kept at their office, in the said township of Belleville, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be open at all reasonable times to the inspection of the stockholders.

Limitation.

11. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

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## CHAPTER CCCCLXXII.

A Further Supplement to the act entitled "An Act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township to be called the township of Fairmount," approved March eleventh, anno domini eighteen hundred and sixty-two.

Township committee may borrow money and issue bonds

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of improving the streets, public roads and highways of the township by macadamizing, grading and paving the same or otherwise, under the direction and control of the township committee, and also for the purpose of improving the sidewalks in said township, under the like direction and control, by curbing the same or otherwise, the township committee are hereby authorized to borrow any sum or sums of money not exceeding in the aggregate the sum of seventy-five thousand dollars, and to secure the repayment of the same, with interest at the rate of

seven per centum per annum, at such time or times, and in such manner, as to said township committee may seem proper, by the bonds of the township, to be signed by the chairman of the township committee and township clerk, and to be sealed with the common seal, and it shall be the duty of said township committee to determine on or before the first Monday in June in each year what sum will be necessary to be raised in that year for the purpose of paying said interest, and any of said bonds that may become due in said year, or of creating or making payments into a sinking fund for the payment and extinguishment of said bonds at maturity; which sum when so determined shall be assessed and collected in the same manner, but without any additional compensation, as any other road taxes are or shall be; *provided*, that in no case shall the principal of said bonds, or any part thereof, so issued by the township committee, become due and payable before the first day of June, in the year of our Lord one thousand nine hundred and two.

Payment of  
bonds.

Proviso.

2. *And be it enacted*, That the township committee shall, from time to time, determine in what manner any street, road or highway, or any part or parts thereof, shall be so improved, and shall by ordinance, order and direct the same to be done.

Improvement  
of streets, &c.

3. *And be it enacted*, That it shall and may be lawful for the township committee, aforesaid, from time to time, to sell and dispose of their coupon bonds issued, or to be issued by them, by virtue of the first section of this act, at such market rates as can be obtained for the same, not less than ninety-five per centum of the par value of the same.

Committee to  
sell bonds.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXXIII.

A Further Supplement to the act entitled "An Act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Essex Public Road Board" to lay out and construct the avenues named in and authorized by the act supplemental to the act to which this is a further supplement, which said supplemental act was approved March twenty eighth, eighteen hundred and seventy-one, or any or either of them, in sections of so much of said avenues, or any of them, as the said board may determine upon; and any of said sections may, in the discretion of the said board, be first surveyed, laid out, constructed, appropriated and improved; and the damages for the land and property taken therefor may be appraised, and the benefits assessed and collected as provided by law in respect to the whole of said avenues, before the residue or remaining part or parts of any or either of them shall be so surveyed, laid out, constructed, appropriated or improved; *provided*, that it shall not be lawful for said board to lay out or construct any or either of the avenues in said supplement authorized or any part or parts thereof within the limits of the town of Orange, or township of South Orange, nor to assess any property in said town or township, for laying out, constructing, appropriating improving or maintaining thereof.

Board may lay out and construct avenues, &c.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts so far as they conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXXIV.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the town of Orange," approved March third, anno domini eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the county of Essex, which is now included within the limits of the town of Orange, shall henceforth be called and be known by the name of "The City of Orange;" and that all the inhabitants of said state, residing within said limits, shall henceforward be known under and by the corporate name of "The City of Orange," and, by that name, shall succeed to and have all the rights, franchises, powers and privileges conferred upon them in and by the said act, and shall become and be absolutely vested with, possess and enjoy all the lands, tenements, property, rights, causes of action, and every kind of estate whatsoever, both in law and in equity, and in remainder, and in possession, which were vested in and belonged to the said town of Orange; and that all contracts or other agreements, and all bonds or obligations for the payment of money, shall relate to and bind the said city in the same manner as though it had been originally a party thereto; and that all actions or proceedings of any kind had or taken, in any court or other place whatsoever, in behalf of or against the said town of Orange, shall succeed to and be continued by or against the said city; and that all ordinances heretofore passed by the common council of the said town, shall hereafter be deemed and taken, in all places whatsoever, to have been passed by the common council of said city.

2. *And be it enacted*, That it shall be lawful for the board of health of said city, in cases of emergency, and where it shall be stated in writing, by two practicing physicians of the city, to be necessary for the preservation of the public health, to order and cause any place or places of business, or of public or private resort, or any dwelling or other building, or any part or parts thereof, in which there shall be any per-

son or persons sick or infected with small-pox or other contagious or pestilential disease, to be partially or entirely closed, shut up, vacated, cleansed or purified, in such manner as to said board of health may, from time to time, seem expedient ; and to carry and remove, or cause to be carried and removed, any sick or infected person or persons to a pest house, to be provided by the common council for that purpose, and to detain such person or persons in said pest house until all danger of contagion or infection shall, in the opinion of the health physician of the city, have ceased ; and the said board shall also have power to cleanse, purify or destroy any clothing, furniture, or other personal property, which, in the opinion of said health physicians, is likely to spread such disease, making compensation therefor to the owner or owners thereof, when the value shall be ascertained and determined by said board, in such manner as to them shall seem proper.

Penalty for resisting or obstructing execution of the orders of board of health.

3. *And be it enacted*, That any person or persons who shall resist, hinder or obstruct in any way, the execution of any order or direction of the board of health, or its authorized agent, under and by virtue of the provisions of the next preceding section, or shall refuse or neglect to obey any such order or direction, shall be deemed and held to be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the common jail of said county, for any term not exceeding thirty days, or by a fine, not exceeding fifty dollars, or by both, at the discretion of the court.

Certain ordinances repealed.

4. *And be it enacted*, That a certain ordinance of the common council of the said town of Orange, entitled "An ordinance to lay out and open Wallace street from Park street to Day street," which was passed and approved on the second day of August, anno domini eighteen hundred and sixty-nine ; and all resolutions, assessments, reports, maps, and other documents and proceedings of every kind whatsoever, had or made in pursuance of said ordinance, or in any way relating thereto, shall be and the same are hereby repealed, vacated and set aside, and declared to be null and void, as fully to all intents and purposes as though the same had never been passed, had or made ; and that it shall be lawful for the common council of the said city to pass, alter and repeal any new ordinance or ordinances, resolution or resolutions in relation to the laying out and opening of said street, by that or any other name, and for the said common council,

Council may pass, alter and repeal ordinances.

and for the board of assessment of said city to make, alter, adopt and confirm any new assessment or assessments, report or reports, map or maps, in relation thereto, in the same manner and with the same effect, in every particular, as though the first mentioned ordinance had never been passed.

5. *And be it enacted*, That the rate of interest on taxes and assessments for improvements hereafter to be made and levied, shall be one centum per month, from and after the time when the same shall become due and payable, and that the exemption from any general tax for regulating, cleaning and keeping in repair the streets, highways, side and cross-walks, and public grounds of said city, mentioned in the fourth section of the certain supplement to said act, which was approved on the twenty-seventh day of March, anno domini, eighteen hundred and seventy-one, shall be and the same is hereby extended to the owner or owners of any and all lands and real estate on the line of any street, or part of any street, which shall be hereafter macadamized to any width not less than twenty feet, under and in pursuance of an ordinance of the common council, where such owner or owners shall have duly paid his, her or their respective assessment or assessments for such macadamizing, with all interest, fees and costs thereon; and that it shall be lawful for said common council to pass, alter and repeal any and all such ordinance or ordinances as they shall think proper to prohibit, prevent or restrain the erection or use of any stable or stables, building or buildings, of any kind whatsoever, for the accommodation of cattle, horses, swine or other animals, upon any lands and premises within forty feet of any dwelling or of the line or lines of any street or streets in said city.

6. *And be it enacted*, That the said common council shall have power to borrow, from time to time, any further sum or sums of money, not exceeding in the aggregate the sum of ten thousand dollars, to be used in the permanent improvement of the streets and highways of said city, and to secure the repayment of the same, together with legal interest thereon, in such manner and upon such terms as to the said common council may seem proper, by the issuing of bonds, to be signed by the mayor and countersigned by the clerk, and to be sealed with the common seal of said city.

7. *And be it enacted*, That the clerk of said city of Orange shall publish all proposed ordinances and notices of meetings of boards of assessment one week in both of the newspapers

Rate of interest on taxes and assessments.

Act extended.

May borrow money.

May issue bonds.

Ordinances, assessments and notices of meetings to be published.



now published in said city; that the collector of said city shall advertise all assessments at least two weeks in said newspapers; the clerk, collector and other officials of said city shall publish all official notices in both of said newspapers; and that the aforesaid notices shall have the same force and effect and be equally as binding as the notices now required to be published in one of the papers of said city.

Repealer.

8. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, shall be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 3, 1872.

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## CHAPTER CCCCLXXV.

An Act to enable the trustees of Tinton Falls School District, Number Seventy-eight, in the township of Shrewsbury, in the county of Monmouth, to purchase land and erect a school house thereon, and to raise money to pay for the same.

Trustees authorized to purchase and hold land and erect school house.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of "Tinton Falls School District, Number Seventy-eight," described in the title to this act, be and they are hereby authorized to purchase and to hold in their corporate name, a suitable lot of land, and to erect thereon a building for the public school in said district, with the necessary fences, out-houses and conveniences, and to provide said school with proper furniture, apparatus and fixtures; and to pay the costs and expenses thereof, the said trustees are hereby authorized to borrow such sum or sums of money as may be necessary, not exceeding three thousand dollars in the whole.

May issue bonds.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue coupon bonds in their corporate name, to the lenders of said money,

of such denominations as the said trustees shall deem proper, but not exceeding five hundred dollars each, and which shall bear interest at the rate of seven per centum per annum, payable yearly; and the sum of five hundred dollars of the principal of said bonds shall be made payable in each and every year after the date of issue thereof; and the said bonds may be sold or disposed of by said trustees, at not less than their par value, and the proceeds from the sale or disposal thereof shall be immediately paid over to the township collector to be by him accounted for and paid over as other public school moneys are now or may hereafter be accounted for and paid over.

Proceeds, to  
whom paid.

3. *And be it enacted*, That to provide for the said yearly payment of five hundred dollars of principal of said bonds, and all interest accruing upon the same, the trustees of the said school district shall, on or before the twentieth day of May, in each and every year hereafter, certify under their hands to the assessor of taxes for the township of Shrewsbury, the amount which will be necessary to pay the interest money due on the bonds issued under this act, as also the amount of the principal due during the ensuing year; which sum the said assessor is hereby authorized and required, when making his yearly assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said district, and upon the real estate situate within said district, in the same manner as other township taxes are or shall be assessed; which special tax shall be, by the officer now or hereafter provided by law for the collection of the taxes for said township, collected at the same time, and in the same manner as other township taxes are or shall be collected; and shall be by him accounted for and paid over in the same manner as other public school moneys are now or may hereafter be accounted for and paid over.

Yearly pay-  
ment of bonds  
how assessed  
and collected.

4. *And be it enacted*, That for performing the duties required in this act, the assessor and collector shall be entitled to receive ten cents, and no more, for each person assessed under the provisions of this act, and the assessor is hereby authorized and required to levy and assess the same upon the taxable real and personal property of said district.

Compensation  
of assessor and  
collector.

5. *And be it enacted*, That this act shall not take effect until ratified by two-thirds of the legal voters of said district, who may vote at a meeting to be specially called by the district clerk of said district, who shall give due notice of the

Act not to  
take effect un-  
til ratified by  
legal voters.

time and place of holding the same in said district, at least ten days prior thereto, by public notice posted in five of the most public places in said district, stating the object of the same.

Approved April 3, 1872.

## CHAPTER CCCCLXXVI.

An Act to provide for a free bridge across the Passaic river, at North Belleville.

Preamble.

WHEREAS, by an act of the legislature of the state of New Jersey, entitled "An Act to incorporate the North Belleville Bridge Company," approved March second, anno domini one thousand eight hundred and forty-eight, said bridge company were authorized to build a bridge over the Passaic river, at or near Brower's store, above the village of Belleville, in the county of Essex, and at or near Brown's ship-yard, in the county of Hudson (now Bergen); and whereas, said bridge company have built said bridge: and whereas, in consequence of the increasing population of those parts of the counties of Essex and Bergen adjacent to said bridge, it is desirable to have free communication between said counties, and to extinguish, by purchase, the right of said bridge company to build and maintain a toll bridge over the Passaic river; therefore, to enable the said objects to be carried out and accomplished.

Commissioners authorized to contract for purchase of bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That three chosen freeholders of the county of Essex, and three chosen freeholders of the county of Bergen, or a majority of them, be hereby appointed commissioners, with full power and authority, by contract with said company, to purchase and acquire, for the public use of the counties of Essex and Bergen, the toll bridge now erected across the Passaic river, at North Belleville, for the lowest price for which the same can be obtained.

2. *And be it enacted*, That in case no agreement for such

purchase can be made with said corporation, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of said bridge, having first given at least thirty days notice in writing, of the time and place when and where the said commissioners will meet to hear any representations on behalf of the said corporation, or of the boards of chosen freeholders of said counties in relation to the matter, which notice shall be served upon the president of said corporation, and also upon the directors of the respective boards of chosen freeholders of said counties of Essex and Bergen; and shall also be published in two newspapers, one published in the county of Essex, and one in the county of Bergen, for the space of three weeks successively prior to said meeting, at least once in every week; and said meeting shall be adjourned from time to time, at the discretion of said commissioners; and so soon as they shall have determined upon the said valuation they shall prepare and sign two certificates thereof, and file the same, one in the office of the clerk of the county of Essex, and one in the office of the clerk of the county of Bergen; and immediately upon the payment to the said "The North Belleville Bridge Company," of the amount of the said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the respective boards of chosen freeholders of the said counties, for public use, in the same manner as if the same had been erected by said boards in pursuance of law; and it shall thereafter be lawful for said boards of chosen freeholders to erect and maintain a bridge over the said river at the place where the present bridge is located.

Commissioners to proceed to estimate value of bridge in case of non-agreement.

Title vested.

3. *And be it enacted*, That in case the said corporation or the boards of chosen freeholders of the counties of Essex and Bergen, or either of them, shall conceive themselves aggrieved by the action of said commissioners, they may appeal therefrom to the supreme court of this state at any time within sixty days after the filing of the said certificates as aforesaid, and the said court shall order a jury to assess the value of the said bridge, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive as to the said valuation, and the amount already paid or deposited as said valuation,

Proceedings in case of appeal.

Proviso.

shall be increased or diminished accordingly; *provided*, that in case of appeal by said boards, or either of them, and also by said corporation, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal shall be fixed by said court.

Expenses to  
be paid by Es-  
sex and Ber-  
gen counties.

4. *And be it enacted*, That the amount agreed upon or finally awarded as aforesaid for the purchase of said bridge, with the expenses incident thereto, shall be paid equally by the respective boards of chosen freeholders of the said counties of Essex and Bergen to said commissioners to be applied by them to the purposes provided for in this act.

Commission-  
ers to take  
oath.

5. *And be it enacted*, That before entering upon the duties hereinbefore specified, the said commissioners shall take and subscribe an oath before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and the said commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act.

Compensation

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.  
Approved April 3, 1872.

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## CHAPTER CCCCLXXVII.

An Act to provide for a free bridge over the river Passaic at Belleville, in the county of Essex.

Preamble.

WHEREAS, in consequence of the increasing population of that part of the counties of Hudson and Bergen lying on the east bank of the river Passaic, and the increasing travel over said river to and from the township of Belleville and the city of New York, it is desirable to have free communication by bridges between the township of Belleville and the east bank of said river opposite thereto, and to extinguish by purchase all exclusive privileges in building and maintaining a toll bridge over said river enjoyed by "The

Belleville Bridge and Turnpike Road Association;" therefore, to enable the same objects to be carried out and accomplished,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the respective boards of freeholders of the counties of Hudson, Bergen and Essex shall at their regular meeting held in the month of April next ensuing the passage of this act, and if such regular monthly meeting of such board is not held, then at a special meeting of such board to be called during said month for that purpose, appoint a special committee of three of the members of the boards of Hudson and Bergen counties respectively, and six of the board of Essex county, as commissioners, with full power and authority, by contract with "The Belleville Bridge and Turnpike Association," to purchase and acquire for the public use of the counties of Hudson, Bergen and Essex, the toll bridge now erected across the Passaic river opposite the Mansion House, in the township of Belleville, together with the franchise enjoyed by the said association, to establish and maintain said bridge, for the lowest price for which the same can be obtained; and in case the said committee so appointed by the said board of freeholders of said counties of Hudson, Bergen and Essex cannot agree with said association to purchase and acquire said bridge and franchise within one month after said committee shall have been appointed, then the said association shall make application to one of the justices of the supreme court of the state of New Jersey, giving at least ten days' notice of the time and place, when and where, such application will be made to the director of said boards of chosen freeholders respectively, for the appointment by such justice of three disinterested freeholders, one from each of said counties, as commissioners to estimate and determine the fair and just value of said bridge and franchise; and the said commissioners, having first been duly sworn before said justice or a supreme court commissioner, faithfully and impartially to estimate and determine the fair and just value of said bridge and franchise, shall thereupon proceed to make such estimate and determine the fair and just value of the said bridge and franchise, having first given at least twenty days' notice in writing of the time and place when and where the said commissioners will meet, to hear any representations on behalf of the boards of freeholders of said counties, and of said association, in relation to the matter, which notice

Boards of freeholders to appoint commissioners.

Power to contract for purchase of bridge.

Proceedings in case of non-agreement.



Three certificates to be made and filed

Title vested.

Proceedings in case of appeal.

Provided.

shall be served upon the directors of the respective boards of chosen freeholders of the said counties of Hudson, Bergen and Essex, and also upon the president of said association, and also published in two daily newspapers, one published in the city of Newark, and one in the city of Jersey City, for the space of ten days prior to said meeting; and said meeting may be adjourned from time to time, at the discretion of said commissioners, but not beyond the period of three months from the time of their appointment; and as soon as said commissioners shall have determined upon the said valuation, they shall prepare and sign three certificates thereof, and file the same, one in the office of the clerk of Hudson, one in the office of the clerk of Bergen, and one in the office of the clerk of Essex; and immediately upon the payment to the said "The Belleville Bridge and Turnpike Road Association" of the amount of the said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the respective boards of chosen freeholders of the said counties for public use in the same manner as if the same had been erected by said boards in pursuance of law; and it shall thereafter be lawful to erect and maintain a bridge over the said river between the said counties in such mode as may be provided by law.

2. *And be it enacted*, That in case the said association or the board of chosen freeholders of the counties of Hudson, Bergen and Essex, or either of them shall conceive themselves aggrieved by the action of said commissioners, they may appeal therefrom to the supreme court of the state, at any time within sixty days after the filing of the said certificates as aforesaid; and the said court shall order a jury to assess the value of the said bridge and franchise, the trial whereof shall be conducted as in other cases of trust by jury, and the final judgment of said court shall be conclusive as to the said valuation, and the amount already paid or deposited as such valuation shall be increased or diminished accordingly; *provided*, that in case of appeal by said boards, or either of them, and also by said association, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal, whether made

by the said boards of freeholders or by the said association, shall be in the county of Essex.

3. *And be it enacted*, That the amount agreed upon or finally awarded as aforesaid for the purchase of said bridge and franchise, with the expenses incident thereto, shall be paid by the respective boards of chosen freeholders of the said counties of Hudson, Bergen and Essex, in proportion of one half by the county of Essex and one quarter by each of said other counties; and the said boards of chosen freeholders are respectively hereby authorized, empowered and required, if it be necessary so to do, to borrow from time to time in the names of said respective boards, by the issue of bonds, to be signed by their respective directors and countersigned by the respective collectors of said counties, and payable at any time not exceeding ten years, and bearing interest at the rate of seven per centum per annum, all such sums of money as may be required to pay the valuation and expenses aforesaid, which sums of money shall be paid over to said commissioners to be applied by them to the purposes provided for in this act; and the moneys necessary for the redemption of the said bonds, with the interest to accrue thereon, shall be raised by county taxes from time to time, in the same manner as other taxes are raised in said counties.

Expenses to be paid by Essex, Hudson and Bergen counties.

May issue bonds.

4. *And be it enacted*, That the said commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act.

Compensation

5. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXXVIII.

An Act to enable the Trustees of School District, Number Thirty-four, in the township of Manalapan, in the county of Monmouth, to raise money to pay for the erection of a school house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District, Number Thirty-four, in the township of Manalapan, in the county of Monmouth, be and they are hereby authorized to borrow any sum not exceeding eight hundred dollars in the whole, and to issue bonds in the corporate name of the said trustees for the payment of the moneys so borrowed, with interest as hereinafter provided.

May borrow  
money and is-  
sue bonds.

Amount of  
bonds to be  
issued.

Principal,  
when payable.

Trustees to  
apportion  
amount.

2. *And be it enacted*, That the bonds to be issued as afore-said shall not exceed in the aggregate the sum of eight hundred dollars of principal, and shall be of such denomination as the said trustees shall deem proper, and shall bear interest at the rate of seven per centum per annum, payable yearly or half-yearly, as the said trustees shall determine, and the said sum, not exceeding four hundred dollars of the principal of said bonds, shall be made payable in each and every year after the date of issue thereof; and the said bonds may be sold and disposed of by the said trustees at not less than their par value; and the said bonds shall be registered in a book kept by said trustees for that purpose, and shall be assignable in law.

3. *And be it enacted*, That to provide for the payment of the principal of said bonds, and of all interest accruing on the same, it shall be the duty of the said trustees of said School District Number Thirty-four to apportion the amount of money necessary to be raised for that purpose, which apportionment shall be made on or before the twentieth day of May, in each and every year, and they shall certify to the assessors of the taxes of the township of Manalapan, in the county of Monmouth, on or before the first day of June in each and every year, the amount which will be necessary to pay the principal and interest which will become due on said

bonds during the ensuing year; which sum of money, so as aforesaid certified, the said assessor is hereby authorized and required to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said school district, in the same manner as township taxes shall be assessed; which special tax shall be collected upon a duplicate thereof delivered to the collector of said township of Manalapan by said assessor at the same time and in the same manner as township taxes shall be collected, and shall be accounted for and paid over by the said township collector to the trustees of said school district on or before the first day of March next after the same shall be collected; and the moneys so raised, assessed, collected and paid over to said trustees, shall be by them applied to the purposes authorized by this act, until all the bonds to be issued by virtue of this act shall have been fully paid.

Assessment  
and collection  
of special tax.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

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## CHAPTER CCCCLXXIX.

A Supplement to an act entitled "An Act to alter and amend the charter of the city of Bordentown, in the county of Burlington."

WHEREAS, it is deemed essential in order to promote the growth and prosperity of the city of Bordentown, that every proper encouragement should be given and held out to capitalists and others to establish manufactories within the corporate limits thereof; and whereas, a majority of the taxable inhabitants of said city believe that this desirable purpose can be effected by giving to the common council thereof power and authority to release from municipal taxation all manufacturing establishments hereafter to be established in said city; therefore,

Preamble.

Power of  
council to re-  
lease all man-  
ufactories  
from municip-  
al taxation  
for a term of  
years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this supplement, it shall and may be lawful for the common council of said city, and they shall have full power and authority to release from all municipal taxation all manufactories of every kind and description hereafter to be established therein, where the actual capital invested therein exceeds the sum of ten thousand dollars, for a term of years not exceeding ten years, to be determined and fixed by said common council; and that from and after the passage and recording of said release and exemption as aforesaid, it shall not be lawful during the continuance of said term to assess, collect or exact the payment of any taxes whatever for municipal purposes from any such manufactories thus established, or from any capital employed therein.

Release or ex-  
emption to be  
recorded

2. *And be it enacted*, That in each and every case where the common council of said city shall make such release or exemption, they shall cause the same to be, within ten days thereafter, recorded by the recorder of said city, and the same shall, during said term of exemption, be considered, taken and construed by all courts as a full and legal exemption from all such municipal taxation.

How con-  
strued.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXXX

An Act to authorize the building of a bridge over the Passaic river.

Boards of  
freeholders  
may build and  
construct  
bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the boards of chosen freeholders of the counties Passaic and Bergen, to build and construct, or cause, or permit to be built and constructed, a bridge across the Passaic river from the point of intersection of the center line of Brook avenue

with said river, in the village of Passaic, in the county of Passaic, over to a point on the easterly shore of said river, in the county of Bergen, so as to intersect Riverside avenue at a point near Mankato avenue, in the township of Union, in said county of Bergen, and to place in said bridge a draw for the passage of vessels navigating the said river, of such width, and in such position in said bridge as is required by the act entitled "An Act regulating the draws of the bridges now erected, or to be erected over the Passaic river," passed February twenty-fourth, eighteen hundred and forty-three.

2. *And be it enacted*, That it shall be the duty of the directors of the said respective boards of chosen freeholders Special meeting of boards of freeholders. upon the application in writing subscribed by three freeholders of the county of Passaic, and by three freeholders of the county of Bergen, specifying the business, object and purpose of calling the said boards together, forthwith to convene a special meeting of the said boards to be held at the village of Passaic, upon the same notice as is required by the tenth section of the act entitled "An Act to incorporate the chosen freeholders in the respective counties of the state," revision, approved April sixteenth, eighteen hundred and forty-six; and the said boards when so convened shall meet and organize in joint convention, in reference to the construction of said bridge, and the kind of bridge to be constructed, shall be valid and binding, upon the said boards of chosen freeholders of the said counties respectively; the expense of building Expenses for building bridge by whom paid. such bridge shall be equally borne by the said counties of Passaic and Bergen.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 8, 1872.



## CHAPTER CCCCLXXXI.

Supplement to the act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of public works shall have power to appoint an officer to be styled "Registrar of the Water Works," who shall hold his office for one year, commencing April first, at a salary not exceeding three thousand dollars per annum, who shall perform the duties heretofore required to be performed by the city collector and the city comptroller, in reference to water rents, interest and penalties thereon, "Jersey City Water Scrip," and interest thereon, and all receipts and expenditures in relation to the "Jersey City Water Works;" his office shall be in such place as the board of public works may assign, where he shall be in attendance during such hours as the said board may require.

Registrar,  
term of com-  
pensation and  
duties.

Treasurer to  
deposit all  
moneys in a  
city deposi-  
tory.

2. *And be it enacted*, That the city treasurer shall deposit in a designated city depository, all moneys paid to him by the said registrar, on account of the Jersey City water works, and shall keep the same separate and distinct from the general funds of the city and shall disburse the same only in payment of claims against the Jersey City water works and in the manner prescribed in section one hundred and thirty-four of the act to which this is a supplement, the registrar performing the duties of the comptroller with respect to water accounts.

Registrar and  
clerk to give  
bonds.

3. *And be it enacted*, That the said registrar shall give such bond for the faithful performance of his duties, as the board of finance and taxation may require.

Repealer.

4. *And be it enacted*, That all acts or parts of acts conflicting with this act, be and are hereby repealed, and that this act shall take effect immediately.

Approved April 8, 1872.

## CHAPTER CCCCLXXXII.

A Further Supplement to "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter and until otherwise provided for by law, the salary of the mayor of the city of Hoboken shall be one thousand dollars per annum; that the salary of the recorder of the said city shall be fifteen hundred dollars per annum, and that each of the councilmen of the said city shall hereafter receive a compensation of four hundred dollars per annum, all of said salaries to be payable in equal quarterly payments. Salaries of mayor, recorder and councilmen.

2. *And be it enacted*, That hereafter and until otherwise provided for by law, the term of office of collector of revenue of the city of Hoboken shall be three years from the first day of May, eighteen hundred and seventy-two, and that the said collector be and he is hereby empowered to appoint an assistant at a salary not exceeding fifteen hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay said salary from the contingent fund of said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant, and shall be liable to be sued on his bond for any neglect of the duties or for any defalcations in the collection of the revenue of said city. Term of office of collector of revenue. May appoint assistant.

3. *And be it enacted*, That the mayor and council of said city shall have the power to raise the sum of two thousand dollars in addition to the amount specified in the "Supplement to the 'Act to incorporate the city of Hoboken,'" which supplement was approved April sixth, eighteen hundred and seventy-one, and said money shall be expended for the purposes therein expressed. Mayor and council may raise money.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act, be and the same are hereby repealed. Repealer.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

### CHAPTER CCCCLXXXIII.

An Act to enable the Trustees of School District Number Eighty-four, of the county of Warren, situate in the township of Pahaquarry, to purchase land and erect a school house thereon, and to empower them to raise money to pay for the same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District Number Eighty-four, of the county of Warren, situate in the township of Pahaquarry, in the county of Warren and state of New Jersey, described in the title of this act, be and are hereby authorized and empowered to purchase and hold in their corporate name a suitable lot of land, and to erect thereon a building for the public school of the said district, together with the necessary fences, outhouses and conveniences, and to provide the said school with proper furniture, fixtures and apparatus; and to pay the costs and expenses thereof, the said trustees are hereby authorized and empowered to borrow such sum or sums of money, not exceeding five hundred dollars in the whole, as may be necessary to pay for the same, and to secure the payment of the amount so borrowed by a bond, executed under the seal of the said corporation, and signed by the district clerk, and to secure the payment of the said bond by a mortgage upon the said lot of land and the appurtenances thereto, payable the one-half with interest, in one year, and the other half with interest, in two years from the date of the said bond and mortgage; *provided*, that the said trustees shall be first authorized to borrow said sum of money by the vote of a majority of the legal voters of the said district present at any meeting called for that purpose by the said trustees, upon five days' notice of such meet-

Trustees empowered to purchase a lot and erect a school house.

May borrow money and secure same by bond and mortgage.

Proviso.

ing, said notice to be put up in three public places in the district, and to specify the object of the meeting.

2. *And be it enacted*, That it shall be the duty of the trustees of the said school district to make out and deliver to the assessor of the said township of Pahaquarry, in which the said district is situate, on or before the twentieth day of May, eighteen hundred and seventy-two, a statement of the one-half of the said sum to be raised and paid, viz: a sum not exceeding two hundred and fifty dollars in amount, with the interest due and to accrue thereon from the first day of April, eighteen hundred and seventy-two, to the first day of April, eighteen hundred and seventy-three, which said sum the said assessor shall assess on the inhabitants of the said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed; and the said money shall be assessed, levied and collected at the time and in the same manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector of the said township of Pahaquarry, in which the said district is situate, to pay over to the district clerk of the said school district, on the order of the said trustees thereof, the said sum of money to be used for the purpose of paying the said one-half sum aforesaid; and it shall be the duty of the trustees of the said school district to make out and deliver to the assessor of the said township of Pahaquarry, on or before the twentieth day of May, eighteen hundred and seventy-three, a statement of the remaining half of the said sum of money, viz. the sum of two hundred and fifty dollars, with all the interest due and to accrue thereon from the first day of April, eighteen hundred and seventy-two, to the first day of April, eighteen hundred and seventy-four, which the said assessors shall assess in the same manner as is herein above provided for the assessment of the first half of the total amount by this act provided for, to the use of the said school district; and the said last named half of the said sum, with interest as last aforesaid, shall be assessed, levied, collected and paid over in the same manner as the said first half of the said total amount is herein directed to be assessed, levied, collected and paid over; and the said money so collected shall be used to pay and discharge the remaining indebtedness due from the said school district for the purposes set forth in the first section of this act.

Trustees to make out statement to assessor.

Assessment and collection of tax, and to whom paid.

3. *And be it enacted*, That in all elections to be held in

Inhabitants to  
determine  
how much  
money to be  
raised.

the said district for the purpose of raising money to keep up and maintain a school in the said district, and for school purposes and expenses generally, it shall be lawful for the inhabitants of the said district to determine, by a majority vote of the legal voters present at any meeting called for that purpose, how much money shall be raised for the purposes in this section mentioned; and the sum so ordered to be raised by a majority of the voters present, shall be as legal and binding upon the inhabitants of the said district as if it had been ordered to be raised by two-thirds vote of the voters present at any such meeting; and all sums of money ordered to be raised at any such meeting shall be assessed, levied, collected and paid over in the same manner as is provided for in the general school law of the state, and the several supplements thereto.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

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## CHAPTER CCCCLXXXIV.

An Act to authorize the mayor and council of the city of Hoboken to borrow money for the payment of existing debts and liabilities, and to issue bonds for the same.

Authorized to  
issue bonds

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to issue coupon bonds under the corporate seal of said city, and the signature of the said mayor for an amount of money not exceeding three hundred thousand dollars, in such sums and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the said mayor and council, their successors or assigns, to sell and assign,

and for any vendee or assignee to purchase and hold; *pro-* Proviso.  
*vided*, that said bonds shall not be sold by said mayor and  
 council for less than ninety-seven and a half per centum of  
 the par value thereof; and that the mayor and council shall  
 give at least twenty days notice by advertisement in at least  
 three newspapers, to be designated by the council of the time  
 and place at which sealed proposals for the purchase of such  
 bonds will be received; and that said bonds shall be sold to  
 the highest bidder or bidders.

2. *And be it enacted*, That each of said bonds issued under Bonds to show  
 what fund or  
 indebtedness  
 applied to.  
 and by virtue of this act, shall show upon the face thereof  
 what particular fund or indebtedness the money raised or  
 borrowed thereon is to be applied to.

3. *And be it enacted*, That it shall be the duty of the said Proceeds, how  
 applied.  
 mayor and council to apply the net proceeds of the said bonds  
 to the payment of such indebtedness as now exists, and can  
 not be lawfully paid by the proceeds of any bonds now au-  
 thorized by law.

4. *And be it enacted*, That the said mayor and council Payment and  
 interest of  
 bonds to be  
 provided for  
 by taxation.  
 shall have power, by ordinances, to provide by taxation for  
 the payment of said bonds and the interest thereon, as the  
 same shall become due.

5. *And be it enacted*, That this shall be deemed a public  
 act, and shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCLXXXVII.

An Act to incorporate Saint Peter's College, in Jersey City,  
 New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of  
 the State of New Jersey*, That John Bapst, Joseph Shea, Corporators.  
 Henry Hudon, Victor Beaudevin and John McQuaid, mem-  
 bers of the society of Jesus, and their successors in office, as  
 hereinafter provided for, being a society of religious men,  
 living in community, and devoted to religious and charitable



Name and powers.	works and the education of youth, be and they are hereby constituted a body politic and corporate, by the name, style and title of "Saint Peter's College, Jersey City, New Jersey," and by that name to have perpetual succession, the right to sue and be sued, to contract and be contracted with, to make and use a common seal and to alter and renew the same at pleasure, and to acquire, have, hold, possess, use and enjoy by purchase, gift, grant, devise or bequest any real estate or personal property, for the uses and purposes of their incorporation, and to let, lease, sell, grant, alien and convey or otherwise dispose of any of said real estate or personal property, as to them may appear most advantageous for promoting the purposes of their incorporation, and to possess, enjoy and exercise all the rights, powers and privileges of corporations conferred by law or by the statutes of this state; <i>provided</i> , that no person shall be or remain a corporator except regular members of said religious society, living in community and governed by the laws thereof.
Proviso.	2. <i>And be it enacted</i> , That the essential objects of said corporation shall be the establishment, maintenance and support, within the state of New Jersey, of parochial and grammar schools, and a college for the education of youth, and of churches for divine worship and the conducting of services therein; and the said corporation shall have power to organize a faculty in said college, who may appoint professors and provide instruction in the arts, sciences, law, literature and medicine, and who shall have the power to confer proper degrees in the same upon graduates of said college, and also to confer honorary degrees in the same upon any other person they may deem entitled to receive them, and to exercise all the powers, functions and prerogatives of a university.
Object.	3. <i>And be it enacted</i> , That the persons hereinbefore named shall be and act as the first board of trustees of the said corporation, and shall continue to act as such during their natural lives, or until resignation or removal, as hereinafter provided; and that they shall have full power to adopt and enforce by-laws, rules and regulations, not inconsistent with the laws of this state or of the United States, or with the constitution of their own order, as they may deem advisable for the government of the property, business and affairs of said corporation, in order fully to execute and carry into
First board of trustees.	
May adopt by-laws.	

effect the purposes of this act; that they shall have power to remove any one of their number by a vote of the majority of the board, and to appoint his successor, and to fill any vacancy in their number arising from any cause whatever, but failure so to elect or appoint trustees shall not work a forfeiture of this charter or the dissolution of the corporation hereby created, or of the privileges hereby granted; a majority of the whole board shall constitute a quorum for the transaction of business; they and their successors duly appointed as hereinbefore provided, shall have full power over and control of all the property, real and personal, of this corporation, which is hereby vested in them, and full power of disposal of the same, and the property, real and personal, of this corporation shall be exempt from taxation, not to exceed fifty thousand dollars in valuation.

Vacancy, how filled.

4. *And be it enacted*, That no misnomer of the said corporation or their successors shall defeat or annul any gift, grant, devise or bequest to or for the said corporation; *provided*, that the intent of the party or parties making such gift, grant, devise or bequest shall appear on the face of the deed, will, grant or other writing, whereby any estate or interest was intended to pass to or for the said corporation.

No misnomer to defeat any gift, &c.

Proviso.

5. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved April 3, 1872.

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## CHAPTER CCCCXII.

An Act for the relief of the owners of the Morris Academy.

WHEREAS, the building known as the Morris Academy, and the lot of land whereon the same stands, situate on the northeast side of South street, adjoining the residence of Mrs. Blachley, in the borough of Morristown, in the county of Morris, is the property of a great number of owners, who hold the same as tenants in common as representatives of the original shareholders thereof, many of which owners

Preamble.

are now unknown, or if known, cannot now be found, by means whereof such of the owners as are known are deprived of, or embarrassed in, the enjoyment of their rights of ownership therein; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit or proceedings which may at any time be brought or instituted by any person being or claiming to be the owner, legal or equitable, of any share or interest of or in the said lot of land, in the court of chancery of this state, for the partition of the same, it shall be lawful for the said court to assume and exercise jurisdiction of such suit or proceeding, and of said lot of land and of the owners thereof, and to proceed therein to the partition or sale of said lot of land as the circumstances of the case may require, and according to the practice of said court, without having all the owners of said lot of land first ascertained and brought before the court by the regular process of subpoena or publication; and any decree for the partition or sale of said lot of land, which may be made by said court, in any such suit or proceeding, shall have the same force and effect, in all respects, against all and every the owners, whether legal or equitable, of said lot of land, as if such owners had been first ascertained and brought before said court by due process of law, according to the practice of said court; and any conveyance made to the purchaser or purchasers of said lot of land, under the order of said court, in said suit or proceeding, shall vest in the purchaser a good and perfect estate in fee simple in said premises, free and clear of and from all claims and demands of every other person or persons owning or claiming to own any right, title, share or interest, whether legal or equitable therein.

Court of chancery to have jurisdiction of any suit for partition of land.

Decree for partition or sale to have force and effect.

Conveyances to vest title.

Court may order publication notifying persons claiming to be owners, &c.

2. *And be it enacted*, That it shall and may be lawful for said court, in every such suit or proceeding, to order publication to be made, in such manner and form, and for such a length of time, as the court shall think proper, notifying all persons claiming to be the owners of or interested in said lot of land, or any share thereof generally, and without naming such owners or claimants, or any of them, within a certain time by said court to be fixed, to appear to such suit or proceeding, and to answer the bill of complaint therein, and to stand to and abide such decree as the court may make therein, and such publication shall take the place of and have

the same force and effect as the ordinary process of said court, and it shall not be necessary to issue any subpoena to answer therein, or to make any other order of publication therein, except as hereafter provided.

3. *And be it enacted*, That at the expiration of the time limited by the said order of publication hereinbefore mentioned, and upon due proof of the publication of the notice therein provided for, in accordance with the terms thereof, it shall be lawful for said court to proceed in said suit as in other cases, and to hear and determine the same according to the practice of said court, and to ascertain, as nearly as practicable, who are the owners of said lot of land, and the share or shares of each owner therein; and if in the course of said suit it shall appear to the court that the owner or owners of any share or shares, of or in said lot of land, cannot be ascertained or determined, or the whereabouts of any owner or owners of any share or shares be unknown, it shall be lawful for said court to distribute the proceeds of the sale of said lot, if a sale thereof shall be ordered, among the owners from time to time, so far as the same may be ascertained and appear to claim the same, and to order publication to be made, in such manner and for such a length of time as the court shall think proper, notifying all persons claiming any ownership, title, share or interest in said lot of land, to appear and prefer their said claim, and prove the same, within such time and in such manner as the court shall direct; and it shall be lawful for the court to order and direct that such proceeds be divided among such persons as shall be found by the court to be the owners of said lot of land, and shall appear to claim the same under the order of the court, in proportion to the amount of their several interests so ascertained, and upon such terms as the court shall impose and direct.

Court may proceed to hear and determine suit, &c.

Distribution of proceeds of sale, how made.

Court to order division among claimants.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 3, 1872.

## CHAPTER CCCCXCIII.

A Further Supplement to an act entitled "An act to incorporate the town of Harrison," approved March twenty-fifth one thousand eight hundred and sixty-nine.

Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-four of the act to which this is a further supplement, be amended by striking out the words, "some of the owners," inserting in the place thereof, the following words, "the owners of a majority of the lineal frontage."

Repealer. 2. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed.

3. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved April 3, 1872.

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CHAPTER CCCCXCV.

An Act to provide and maintain a Home for the Friendless in the city of Newark.

Preamble. WHEREAS, a number of persons, inhabitants of the city of Newark and its vicinity in this state, have formed an association or society, assuming the name of "The Association to provide and maintain a Home for the Friendless," the object of which is to save children and other erring persons from a life of vice and sin, to educate and train them up to lives of usefulness and industry, and to secure for them proper homes and employment; and whereas, it is apprehended that the objects of the said association will be promoted by an act of incorporation,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas B. Peddie, James L. Hayes, William M. Pierson, David C. Dodd, jun., Mrs. Mary H. Crane, Mrs. Ann Degroot, William Price, Elias Francis, Benjamin F. Atha, Mrs. Osee M. Fitzgerald, Mrs. Catharine Boylan, Marcus L. Ward, Lewis Heller, Cyrus Edwards, Elkanah Drake, Mrs. Eliza S. Skinkle, Mrs. Eliza A. Sanders, J. M. Ward and their associates are hereby constituted a body corporate and politic, in fact and law, by the name of "The Association to provide and maintain a Home for the Friendless," in the city of Newark, and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places, to make a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments in fee simple or otherwise, and any goods, chattels, legacies, donations, annuities or other personal property, of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of for the purposes of said corporation; *provided always*, that the net yearly income of such estate shall at no time hereafter exceed in value the sum of ten thousand dollars, nor be applied to any other purposes than those for which this corporation is formed.

Corporators.

Name and  
powers.

Proviso.

2. *And be it enacted*, That the property, estate and concerns of the said corporation shall be conducted by a board of eighteen trustees, to be elected by a plurality of ballots of such persons as by the constitution and by-laws of said association, are or shall become members thereof and present at such election; which election shall be held on the first Monday in March of each and every year after the present year; *provided however*, that the persons whose names are herein above mentioned shall constitute the board of trustees of said corporation until the first Monday of March, in the year one thousand eight hundred and seventy-three; and shall be arranged into classes of six persons each; the first six persons herein named to compose the first class, the second six the second class, and the third six the third class; the members of the first class shall go out of office on the first Monday of March, one thousand eight hundred and seventy-three; those of the second class, on the first Monday of March, one thousand eight hundred and seventy-four; those of the third

Board of trustees.

Proviso.



class, on the first Monday of March, one thousand eight hundred and seventy-five; on the first Monday of March, one thousand eight hundred and seventy-three, and on each and every year thereafter, there shall be elected six trustees, to succeed those whose term of office shall expire, who shall hold their office for three years, or until others shall be elected in their stead; which elections shall be held under the direction of the trustees for the time being, at such place, and upon such notice as they shall think expedient; and in case any vacancy shall happen in the said board by death, removal, resignation or otherwise, such vacancy may be filled by the said board for the remainder of the term, or until the next election; *and further provided*, that if an annual election shall not take place on the stated day for that purpose, the said corporation shall not thereby be dissolved, but the members of said board shall continue in office until a new election, which shall be had at such time and place, and after such notice as the said board shall prescribe.

Proviso.

Election of board of lady managers.

3. *And be it enacted*, That for the purpose of assisting said board of trustees, and in order the more effectually to attain the objects of said corporation, there may be elected, at the first or at any subsequent election of trustees in manner aforesaid, in such manner as said board shall prescribe, a board of lady managers, consisting of thirty or more persons, who shall hold office for the time, and in the manner directed or to be directed by the constitution and by-laws of said association.

Trustees to receive all children committed as vagrants, &c.

4. *And be it enacted*, That said board of trustees shall have power, in their discretion, to receive and take into their home to be established by them all such children as shall be taken up or committed as vagrants or convicted of criminal offences, within the limits of the city of Newark, as may in the judgment of the court of oyer and terminer and general jail delivery, the court of general quarter sessions in and for the county of Essex, or of any special or other police justice or justices of the city of Newark be proper objects; and the said board of trustees shall have power to place the said children committed to their care during the minority of such children, at such employments, and to cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities; they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices or servants, during their minority, to

Children to be instructed.

such persons and at such places, to learn such proper trades and employments, as in their judgment will be most for the reformation and amendment, and the future benefit and advantage of such children; and amongst the common covenants in the indentures made and agreed upon between the parties, shall be inserted a clause, that the person, persons or firm, to whom any child or children shall be bound as aforesaid, shall cause such child or children to be taught to read and write.

May bind out to trades.

5. *And be it enacted*, That if any child shall be found in said city of Newark in a state of want and suffering, or being abandoned or improperly exposed or neglected by its parent, parents, or such other person as may have it in charge, or soliciting charity from door to door, or in any street, highway or public place in said city, such child shall be deemed a vagrant for the purposes of this act only, and the special police justice or justices aforesaid, on competent proof thereof, complaint having been made to him or them by a lawfully authorized agent of said board of trustees, shall commit such child to said board, whose powers and duties over and in respect of said child, shall be the same as in the cases hereinbefore specified.

Police Justices may commit children to custody of trustees.

6. *And be it enacted*, That said board of trustees shall have power to receive and take as aforesaid all such children as may be voluntarily entrusted to them, in writing, by their parents or guardians, and such other destitute, friendless and erring females as may apply to them, and be deemed by said trustees proper objects for relief.

Trustees may receive and take destitute females, &c.

7. *And be it enacted*, That said board of trustees shall have power, whenever any child entrusted or committed to their charge shall be found to have become so degraded and debased as to be an improper object for their care and management, to return such child to the parent, guardian or other person entrusting it to them in manner aforesaid, or to the committing court or justice, which court or justice shall have the same power to sentence or otherwise dispose of said child, as they would have possessed under any law of this state or ordinance of the city of Newark aforesaid, before the committing of said child to said board of trustees.

Trustees may return child to parents or guardians.

8. *And be it enacted*, That said board of trustees may from time to time make by-laws, ordinances and regulations relative to the management and disposition of the property, estate and concerns of said corporation, and the management, gov-

May make by-laws.

ernment, instruction, discipline, employment and disposition of said children while under their care, not contrary to law, as they may deem proper, and may choose and appoint such officers, agents and servants as they may deem necessary to transact the business of said corporation, and may designate their duties.

Act, how construed.

9. *And be it enacted*, That this act shall be and is hereby declared a public act, and that the same shall be construed in all courts and places benignly and favorably for every humane and laudable purpose therein contained.

10. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DII.

A Supplement to an act entitled "A supplement to an act entitled 'A supplement to an act to establish a new township in the county of Union, called the township of Linden,' approved March seventeenth, one thousand eight hundred and seventy," approved April fifth, eighteen hundred and seventy-one.

Board may lay out and locate any street or highway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Linden Road Board" created by and under the provisions of the act to which this is a supplement shall have power, and they are hereby authorized to lay out and locate any street or highway in said township, under the provisions of the tenth section of the act to which this is a supplement, without assessing the damages and benefits accruing as specified in the eleventh section of said act, and file a map of the same in the clerks office of the county of Union, within ten days after the resolution of said board to lay out and locate any such street; and the said board, for the time being, at any time after, may assess the damages and benefits which will accrue from the opening of such road in accordance with the provisions of the eleventh

Assessment of damages and benefits.

section of said act; *provided*, that no damages shall be allowed PROVIDED. to any person or persons for or on account of any damage to, or removal of any building or buildings which shall be by such person or persons erected within the lines of any such street, after the map of the same has been filed in the office of the clerk of Union county, in accordance with the provisions of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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### CHAPTER DIIL.

A Supplement to the act entitled "An Act to create a road district in Lebanon and Bethlehem townships, in the county of Hunterdon," approved April sixth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the privileges of the act to which this is a supplement be, and the same is hereby extended to the said road from Foss' brook to the Musconnetcong creek, at Bowlby's Mill, and all roads or streets in the villages of Junction and New Hampton. Privileges extended.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DIV.

A Further Supplement to the act entitled "An Act to incorporate the city of Salem," approved February twenty-fifth, anno domini eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Salem, shall not at any time in any one year hereafter, borrow money on the faith and in the name of said city, on bond, note, or other security, the receipts whereof together with the sums which have been ordered by them to be raised by tax for defraying the necessary expenses of said city, in the same year shall in the whole exceed the sum of forty-five cents on every hundred dollars of taxable property of all kinds in said city.

Amount of money to be raised by tax not to exceed a certain sum.

Amendments proposed to charter to be advertised and posted.

2. *And be it enacted*, That no amendment shall hereafter be made to the act entitled "An Act to incorporate the city of Salem," approved February twenty-fifth, anno domini eighteen hundred and fifty-eight, and the various supplements thereto, unless the nature, object and substance of said proposed amendment shall be made public for at least six weeks prior to the meeting of the legislature of this state, by advertisements to be posted in ten or more of the most public places in said city where advertisements are usually posted, and also published for the same space of time in both of the public newspapers published in said city of Salem.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DV.

A Further Supplement to an act entitled "An Act to authorize the board of chosen freeholders of Hudson county, to establish a jail and county work-house at the county farm in said county."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be the duty of the committee on the penitentiary, of the board of chosen freeholders of the county of Hudson, to assign to the warden of the said penitentiary, or some other officer thereof, the keeping of a correct, impartial daily record of the conduct of each prisoner and of his labor, whether satisfactory or otherwise; and it shall be the duty of the said warden to see that the said record is regularly made and preserved under his care.

Record of conduct and labor of prisoners to be kept.

2. *And be it enacted*, That whenever the said committee or a majority of the members thereof, shall be satisfied that the said record is properly kept, they shall in their discretion direct the warden, for every month of faithful performance of assigned labor by any convict in the penitentiary, to remit to him two days of the term for which he has been sentenced, and for every month of continuous orderly deportment two days; *provided nevertheless*, that in any month in which a convict shall have merited and received punishment no such remission of sentence shall be made; and in case of any flagrant misconduct by any prisoner, it shall be lawful for the said committee, or a majority thereof to declare a forfeiture of the time previously remitted to him, either in whole or in part, as to them shall seem just.

Committee may remit number of days, &c.

Proviso.

3. *And be it enacted*, That if any person who has partaken of the clemency of this act shall be again convicted and sentenced either to the jail or the county farm called the county penitentiary or to the state prison, he shall, in addition to his said sentence, be required to serve out the number of days remitted to him or her on the previous term.

Persons convicted to serve out time remitted previous term.

4. *And be it enacted*, That all sentences of imprisonment in the said penitentiary, made by any court in the county of

Sentences of imprisonment how construed



Hudson for any term, shall be construed to be made under and subject to the provisions of this act.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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### CHAPTER DVI.

An Act to extend the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex," and in certain other townships therein named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent horses, cattle, sheep, and swine from running at large in the township of Clinton, in the county of Essex," and in certain other townships therein named, approved March fourth, one thousand eight hundred and fifty-eight, be and the same are hereby extended to the township of Washington, in the county of Morris.

Approved April 4, 1872.

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### CHAPTER DVII.

A Further Supplement to an act entitled "An Act to incorporate the city of Bridgeton."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person, persons or corporation, who may establish a manufacturing business within

the corporate limits of the city of Bridgeton, after the approval of this act, and who shall have filed an affidavit in the mayor's office of said city, that they have established a manufacturing business within the corporate limits of said city, and that they have invested in said manufacturing business at least ten thousand dollars, and desire to enjoy the advantages of this act, then and in that case, all such capital so invested in said manufacturing business shall be exempt from all city taxes for the term of ten years from the date of filing said affidavit. .

Capital invested in manufacturing business exempt from all city taxes for a term of years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DVIII.

Supplement to an act entitled "An Act to facilitate judicial proceedings in the county of Middlesex," approved February twenty-fourth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the act to which this act is a supplement, be and the same is hereby amended so as to read, "and said presiding judge shall thereupon call a court of special quarter sessions, to be composed of himself and one or more other judge or judges of the said county." Amendment.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DIX.

An Act to amend an act entitled "A further supplement to an act entitled 'An Act to create from part of the town of Orange in the county of Essex, a new township to be called the township of East Orange,'" approved March fourth, eighteen hundred and sixty-three, which supplement was approved March first, eighteen hundred and seventy-two.

**Repealer.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "and the several sums so from year to year assessed, are hereby made a lien upon the property against which they may be assessed from the time of such assessment, and shall be collectable at the same time, in the same manner, and by the same means, as the ordinary taxes of the township," as they occur together near the end of the sixth section of the supplementary act recited in the title to this act, be and the same are hereby stricken out and repealed; and the following words, that is to say, "the said assessment shall have the same force and effect, and be collected at the same time and in the same manner as the other taxes collectable by law within said township for county and township purposes, but until the actual levy of such assessment, neither the liability to assessment in this section created, nor the apportionment nor record thereof, shall be held or construed to create a subsisting encumbrance upon the title to the lands embraced in said apportionment," shall be inserted in and shall become part of said section, in lieu of the words so stricken out and repealed.

**Amendment**

**Apportionment may be reduced or modified.**

2. *And be it enacted*, That at the meeting provided for in the sixth section of said supplemental act, at which parties interested in said apportionment may be heard, it shall be lawful for any such person interested in such apportionment to show cause why the amount apportioned upon his or her lands shall not be reduced or modified; and it shall be the duty of the township committee to reduce or modify the same in case they shall deem it just so to do.

**Repealer.**

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, or of said supplementary

act as hereby amended, be and the same are hereby repealed, and that the amendments hereby made in and to said supplementary act shall be construed with said act and as making part thereof, and this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DX.

### An Act relative to Railroads in the county of Passaic.

WHEREAS, by the provisions in the acts incorporating certain railroad companies, to lay out and construct railroads in Passaic county, the time for commencing, or completing said roads has expired without said roads being commenced or completed, and the said acts have thereby become forfeited and void; and whereas, it is for the benefit of said county that said railroads should be constructed, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said acts be and they are hereby revived, and the time for the commencement of said roads is hereby extended to the first day of January, eighteen hundred and seventy-three, and for the completion thereof, until the first day of January, eighteen hundred and seventy-five. Acts revived.

2. *And be it enacted*, That the Ringwood Valley Railroad Company may, if they shall choose to accept the provisions of this act, lay out and construct their said railroad from the Ringwood mines in Passaic county, to some point on the Montclair Railway, distant not more than five miles from said mines, instead of to the Morris canal. Ringwood Valley railroad may lay out and construct railroad.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be repealed, and that this act shall take effect immediately. Repealer.

Approved April 4, 1872.

## CHAPTER DXI.

An Act to amend the charter of the city of Plainfield.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the inhabitants residing in the territorial limits of the present city of Plainfield, in the county of Union, be and are hereby ordained, constituted, and declared to be one body politic and corporate, in fact and in name, by the name and style of "Inhabitants of the City of Plainfield."
2. *And be it enacted*, That hereafter there shall be chosen, in said city from among the citizens thereof, one mayor, one city judge, eleven members of the common council, one assessor, one collector, one treasurer, two chosen freeholders, two constables, two justices of the peace, one clerk for each election district, three judges of election for each election district, and three commissioners of appeals; the annual election in and for said city shall be held on the first Tuesday of December of each and every year, and at such place or places as the common council shall direct or appoint, of which time and place or places, the clerk of said city shall cause public notice to be given by advertisement, to be set up in at least five public places in said city, and published in two newspapers, if so many there be printed therein, at least ten days previous to the date of such election; at the first election of officers, after the passage of this act, which shall be held on the first Tuesday of May next, there shall be elected in said city by the legal voters thereof, from among the citizens of the same, all of the officers of the city government, excepting the mayor, enumerated in this section, and the term of office of each and all of the officers then elected shall expire at noon of the first Monday of January, eighteen hundred and seventy-three, and at the annual election to be held on the first Tuesday of December of each and every year, there shall be elected all of the officers of the city government excepting the mayor, enumerated in this
- Corporate name.
- City officers.
- Annual election.
- Time and place of holding first election.

section, and the officers chosen at such elections shall enter upon and hold office from noon of the first Monday of January following their election, until noon of the first Monday of January of the next succeeding year; at the annual election to be held on the first Tuesday of December, eighteen hundred and seventy-two, there shall be chosen one mayor, to hold office from the first Tuesday of May, eighteen hundred and seventy-three, until noon of the first Monday of January, eighteen hundred and seventy-five, and after the year eighteen hundred and seventy-two, the mayor shall be elected biennially, and shall serve for two years.

Election of  
MAYOR and  
term of office.

3. *And be it enacted*, That the poll of each election shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon, and the three judges of election in each election district, shall be the officers of said election; and in case of the absence, death, disability or refusal to serve of any of said officers of election, on the day of election, the lawful voters present shall elect, viva voce, a person or persons to supply such vacancy or vacancies; that the name of each voter at such election shall be written on the poll list by the clerk, and after the poll shall be closed the said judges of election shall immediately count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office, and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, and shall hold their offices for the terms specified in this act.

Elections,  
how held and  
by whom.

4. *And be it enacted*, That the mayor shall be the chief executive officer of the city, and shall see that the laws of the state and the ordinances of the city are faithfully observed therein; he may recommend the common council to pass such measures as he may deem necessary or expedient for the welfare of the city; he shall maintain peace and good order therein, and in case of a riot or tumultuous assembly, may take command of the police force of the city to suppress it; in case of persons violating or being suspected by him of violating any criminal laws of this state, or penal ordinance of the city, he shall possess the same power and authority which justices of the peace possess in criminal cases; he shall

Duties and  
powers of the  
mayor.



sign all licenses directed to be issued by the common council, and all bonds, obligations or other evidence of indebtedness issued by the city.

Appointment  
of officers by  
common  
council.

Proviso.

Who entitled  
to vote.

Duties and  
powers of  
common coun-  
cil.

Proviso.

5. *And be it enacted*, That the common council shall have power to appoint, from time to time, a city clerk, a street commissioner, an overseer of the poor and such other subordinate officers as they shall think necessary for the governing of said city; *provided*, that no appointment of officers herein named shall be valid unless made by a vote of a majority of all the members of said common council; every person who shall be appointed to any office under the provisions of this act, shall be a resident and elector of said city, and may continue in office until removed therefrom by a vote of a majority of all the members of the common council, or until another person is appointed to succeed him.

6. *And be it enacted*, That all persons residing in said city, entitled to vote by the constitution of this state at elections by the people, shall be entitled to vote at all elections under this act, and the said citizens so entitled to vote, shall be capable of holding any office created by this act of incorporation, with the exception that no person shall be elected or serve as mayor or common councilman unless he shall have resided in said city at least one year immediately preceding said election.

7. *And be it enacted*, That the persons elected for members of the common council, or a majority of them, shall have the power from time to time and at all times hereafter, to hold a common council within said city, at such time and place as may be appointed by the ordinances and resolutions of the said common council; to meet upon their own adjournments, and to call special meetings by request of any three members of said council in writing, addressed to the clerk of said council, or by order of the president of said council, and that the whole legislative power of the corporation of said city shall be exclusively vested in the said common council; *provided*, that no ordinance or by-law shall be at any time enacted or passed, altered or repealed, except by a concurrence of at least six members of said common council, and unless the same shall have been introduced before the said common council at a previous meeting.

8. *And be it enacted*, That the mayor of said city shall, before he enters upon the duties of his office, take and sub-

scribe before a judge of the court of common pleas of the county of Union, or any officer authorized to administer the same, an oath or affirmation that he will faithfully and justly perform all the duties of said office to the best of his ability; and that the city judge, members of the common council, clerk, assessor, collector, treasurer, street commissioner, judges of election, commissioners of appeal, and all other officers appointed or elected by virtue of this act, shall, before they enter upon their respective duties, take and subscribe before the said mayor, who is hereby authorized to administer the same, the like oaths or affirmations; and it shall be the duty of the said clerk to file and preserve the said oaths and affirmations in his office; and all such oaths or affirmations shall be taken within five days after the day of election or appointment.

Officers to take and subscribe oath.

9. *And be it enacted*, That in the absence of the mayor, the city judge of said city shall administer such oaths and affirmations of office as the mayor is authorized by this act to administer; and during such absence the other official duties of the mayor shall be discharged by the president of the common council.

City judge to administer oath in absence of the mayor.

10. *And be it enacted*, That in case of a vacancy happening in any office created and made elective by this act, by death, resignation, removal, or otherwise, except in officers of election, on the day of election it shall be filled by the said common council within thirty days thereafter, and the said appointment shall continue until the next annual election, and no longer.

Vacancies, how filled.

11. *And be it enacted*, That the treasurer and collector of said city, before they enter upon their respective offices, shall each execute a bond to the inhabitants of the city of Plainfield, conditioned for the true and faithful performance of all the duties of their said offices in such sums and with such freehold security as the common council shall approve and direct.

Treasurer and collector to give bonds.

12. *And be it enacted*, That the clerk, judges of election, assessor, collector, and commissioners of appeal, shall respectively possess the power and perform the duties of like officers in any township of this state, so far as shall be consistent with the provisions of this act; and in addition thereto, the city clerk shall attend all meetings of the common council of said city, keep accurate minutes of their proceedings,

Duties and powers of officers.

City clerk.

and insert the same in a book to be provided for that purpose, and in like manner record all ordinances passed by the common council, and shall do and perform all such other duties as the said common council may from time to time prescribe, and the power and duties of the treasurer and street commissioner, if not otherwise provided for in this act, shall be those enjoined by the ordinances of the said common council.

Treasurer.

13. *And be it enacted*, That it shall be the duty of the treasurer of said city to receive and pay out all moneys belonging to the said city, under the direction and by authority of the said common council; to make out annually, on the second Tuesday in December, or oftener, should the said common council so require, and publish in two newspapers printed in said city, if so many there be, a detailed and true statement of all moneys received into the treasury, and of all moneys disbursed therefrom, from the commencement of his official year to the date aforesaid.

Ordinances.

Paving  
streets, &c.

Proviso.

14. *And be it enacted*, That it shall and may be lawful for the common council of said city to pass such ordinances or by-laws as to them shall seem meet and necessary for regulating, leveling, grading, paving, graveling, cleansing and keeping in repair the streets, roads, highways, alleys and cross walks in said city; *provided*, that the expense of paving any street, road, highway or alley with stone or wood shall be equitably assessed upon and paid by the owners of property fronting thereon; for preventing or removing all obstructions, encroachments, encumbrances and nuisances, or any of them, from the streets, roads, highways, sidewalks, alleys, enclosures and lots in said city; for ascertaining and establishing the grades and boundaries of all streets, alleys and sidewalks in said city; for causing the territory embraced within the boundaries of said city to be accurately surveyed and mapped for roads, streets and avenues; and for establishing lamp and police districts within said city, and provide for assessing within each respective district, the cost of lighting, and maintaining police patrol, either or both, within such districts; for curbing, grading, paving, flagging, graveling, cementing or planking sidewalks in said city; for preventing or removing all obstructions, impediments, encumbrances or nuisances on any street or street-crossing, caused by any railroad company or its agents; for preventing persons from riding, driving, or passing over or upon the sidewalks, except when necessary to cross the same, with horses,

To prevent  
obstructions.

wagons, carts, or carriages of any description ; for lighting the streets and alleys in said city ; for preventing or regulating the running at large of horses, cattle, goats, geese, dogs and swine ; for preventing the immoderate riding or driving through or in any street or alley of said city ; for keeping sidewalks and gutters free from snow, ice and other impediments ; to enact health laws, and establish a board of health ; to provide for the relief of the poor and for the establishment and maintenance of an almshouse or workhouse, and a city hospital, and to direct and order what persons shall be placed therein and for what length of time ; for preventing or suppressing any riots, routs, disturbances, breaches of the peace, or disorderly assemblages, in any street, alley, house or place in said city ; for sinking and regulating pumps, wells and cisterns, in the streets or enclosures of said city for the extinguishing of fires ; for regulating fire-engine, hose and truck companies ; for the prevention and suppression of fires ; for regulating the keeping of gunpowder and other combustible or dangerous materials ; for cleansing of chimneys and regulating the same ; for appointing policemen, regular or special watchmen, and other subordinate officers, and prescribing their powers, duties and compensation ; for regulating weights and measures ; for establishing and regulating one or more public pounds ; for restraining vagrants, mendicants and street beggars ; for erecting, repairing and regulating a city hall and city jail ; for assessing and collecting taxes ; for regulating and conducting city elections ; for preserving peace and good order ; for preventing or suppressing all gaming and disorderly houses ; for regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fires, or otherwise to endanger the health or well-being of the inhabitants of said city ; to regulate and control the manner of erecting dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time by it prescribed, the building or erection of any dwelling house, store, stable or other building of wood or other combustible materials ; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous ; for the sewerage or drainage of said city ; for laying down iron, lead, glass, wood or other pipes, for the conveyance of water or gas in the streets, highways, alleys and sidewalks of said city, and for regulating the same ; for the pro-

Health laws.

Establish and regulate public pounds.

Regulate and protect shade trees. action and regulation of shade trees; for the suppression and punishment of vice and immorality; for licensing taverns and saloons; and the said common council shall or may enact or pass such and so many other ordinances or by-laws for the peace, good government, order, well-being and convenience of the said city as they may deem necessary, proper and expedient, not repugnant to this act, or to the constitution of this state, or of the United States.

Duties and powers of officers. 15. *And be it enacted*, That the justices of the peace, chosen freeholders, commissioners of appeal, inspectors of elections, assessor, collector, constables, pound-keepers and the overseer of the poor shall perform such duties as by the laws of this state now appertain to and devolve upon such officers in the townships of this state, subject to the provisions of this act or any ordinance or ordinances passed by virtue thereof: and the collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall pay over to the treasurer of the state, or to the collector of Union county, the full quota of taxes required by law to be raised in said city for state and county purposes, so far as the same may have been collected.

Collector of revenue. 16. *And be it enacted*, That the ordinances of the common council of said city shall begin in the following manner, to wit: "The Inhabitants of the City of Plainfield, by their Common Council, do enact as follows."

Title of ordinances. Amount of money for city purposes, how raised. 17. *And be it enacted*, That it shall and may be lawful for the common council of said city to order and cause to be assessed and raised by tax, any one year, such sum or sums of money as may be necessary for the support of the city poor, and such further sum, not exceeding ten thousand dollars, as they shall deem expedient, for the current expenses of said city, and for all other objects and purposes authorized by this act, which amount shall be assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes, which taxes, when collected, shall be paid into the hands of the treasurer of said city, and be subject to the order of the said common council.

May prescribe penalties for violation of ordinances. 18. *And be it enacted*, That the common council may prescribe, by ordinance, fines and penalties for the violation of any of its ordinances; *provided, however*, that the amount of fine shall in no case exceed the sum of one hundred dollars,

Proviso.

or the term of imprisonment twenty days, preserving the right of trial by jury, if demanded by the defendant, in all cases where the punishment prescribed may be imprisonment, or the amount of the fine exceeds the sum of twenty dollars; all suits for the enforcement or violation of ordinances shall be brought before the city judge, or in the event of his absence or inability to act, from sickness or otherwise, then the said suit shall be brought before the mayor; and the proceedings before the mayor shall be conducted in the same manner as before the city judge, and the said mayor, for the purposes of such trials, shall possess all the powers vested in the city judge; the judgments rendered by the city judge, or the mayor when acting in the absence of the said judge, may be executed by any policeman of said city, and in the manner prescribed by the warrant, writ, execution or other process issuing out of the said court, and the said policeman to whom such process shall be delivered, shall execute the same and make return thereof as set forth in such process, and the city judge or the mayor shall have power to commit to the jail of the county of Union, and the jailor of said county shall receive and safely keep all persons who may be committed to the jail of said county by the city judge or mayor, for the term expressed in the warrant of commitment, and all the expenses of keeping such persons shall be borne and paid by the said county of Union; the process and proceedings requisite for the proper and efficient execution of the provisions of this section shall be those specified in an act entitled "An Act constituting courts for the trial of small causes," as far as the same may be applicable, and said act for such purposes, shall constitute and form a part of this act.

City Judge, his powers.

19. *And be it enacted*, That the city judge shall have all powers in criminal matters that justices of the peace in and for the several counties of this state now have, and shall have like powers as are given to the mayor, to cause to be arrested, and committed without process, any person guilty, or that he may have reason to believe guilty of any crime, or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

City Judge to be an attorney at law.

20. *And be it enacted*, That the city judge to be elected as provided for by this act, shall be at the time of his election,



a practicing attorney at law, and shall receive as compensation for the performance of his official duties, the sum of three hundred dollars per annum.

City judge,  
powers of

21. *And be it enacted*, That the city judge shall have jurisdiction, and is hereby empowered on oath or affirmation made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process, either in the nature of a summons, or of a warrant as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three, nor more than six days; that such process shall state what ordinance the defendant or defendants named therein, has or have violated, and in what manner the same has been violated, and then on the return of such process, or at the time to which the city judge shall have adjourned the same, the said city judge shall proceed to hear the testimony, and to determine, and give judgment in the matter, without the filing of any pleadings; and the city judge shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of the defendant or defendants; *provided*, that in all cases when the fine or penalty shall exceed twenty dollars, or when the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for the trial of small causes, and also an appeal, as in cases where appeal may now be had from judgment in courts, for the trial of small causes; *provided further*, that no fine shall be imposed, exceeding fifty dollars for such offence, and no term of imprisonment shall exceed sixty days for each offence; *and also provided*, that all cases and matters pending in the city judge's court, at the expiration of his term, or resignation, or death, or inability to serve, shall be continued before his successor, who shall have jurisdiction of the same, as if such city judge were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the city judge to his successor.

Provide.

Provide.

Police-men au-  
thorized to  
serve process.

22. *And be it enacted*, That the officers empowered to serve processes issued by the city judge shall be, besides the constables elected or appointed within said city, the policemen of said city, and said processes shall be returned in

the same manner, so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the city judge sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance as near as may be, in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the city judge, unto the mayor and common council of the city of Plainfield, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

23. *And be it enacted*, That in all cases in which persons shall bring certiorari to remove the order, proceedings or judgment given or made by the said city judge, it shall be lawful for the said city judge to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same. Fees for return of writs of certiorari.

24. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding, or judgment to be had or made by the city judge of said city, unless the party applying for such certiorari shall enter into bond with the mayor and common council of the city of Plainfield in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicants shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said city judge, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceeding or judgment given or made by said city judge, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court, for the benefit of said mayor and common council, and on failure thereof no certiorari shall be allowed. Writs of certiorari, how granted.

25. *And be it enacted*, That if any proceedings of the said city judge shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to Costs, by whom paid.

the defendant all costs on such suit in the supreme court, but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county of Union.

Notice of the amount of money to be raised.

Election to be held.

26. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of ten thousand dollars shall, in the opinion of the said common council, be necessary to be raised in any one year for the uses of said city, then in such case the said common council are hereby authorized to give notice to the inhabitants of said city, by advertisements published in two newspapers printed in the said city, if so many there be, at least fifteen entire days before the day of holding any election hereinafter mentioned, and by printed handbills put up in five of the most public places of said city for a like period, that an election will be held at the time and place therein mentioned, the said time and place to be designated by the said common council, to vote such a sum of money to be raised by tax in the said city as the said common council may think necessary to be raised for the uses of the said city, and which sum of money shall be stated in the said notice, at which said election only such persons shall be entitled to vote as may be entitled to vote at any regular annual election of said city, the voting to be by ballot, written or printed, or partly written and partly printed, for or against the sum of money proposed by the said common council in and by their said notice, which said ballot shall contain the word "money," or the words "no money;" the time of opening and closing the poll at such election, and the mode and manner of conducting the same, shall be as is prescribed by this act for annual elections, and every sum of money so voted by any resolution of the said common council to be raised by tax in the said city, and approved of by a majority of the whole number of lawful ballots cast in any such election, shall be assessed, collected and regulated according to the thirty-fifth section of this act, excepting so far as relates to the time of assessing and collecting said taxes, which time shall be fixed by the common council.

Council not to borrow money

27. *And be it enacted*, That it shall not be lawful for the said common council to borrow money on the credit and in the name of said city, except when necessary to anticipate the collection of taxes, and then for an amount never to exceed in the aggregate the sum of five thousand dollars, or for a period

later than sixty days after the taxes for the current year are finally due; and every such temporary loan or loans shall be fully paid and redeemed out of the taxes so collected.

28. *And be it enacted*, That the duly elected members of the common council of said city shall assemble in the council chamber on the Thursday evening following the annual city election, at the hour of eight o'clock, for the purpose of having the official oath or affirmation administered to them respectively by the mayor or city judge; and should the said common council not then organize, it shall be the duty of the city clerk to call the members elected together for that purpose, within ten days after the date of their election. Meeting of common council.

29. *And be it enacted*, That every ordinance and supplement to an ordinance passed by the common council of said city shall, before it takes effect and becomes a law, be at once presented to the mayor by the city clerk, with a certification by said clerk, as to the date of such presentation; and if the said mayor approve of it, he shall sign it, if not, he shall return it, with his objections and file it and them with the said clerk, within ten days after he received it; and the said common council shall, at its first meeting thereafter, or at the first subsequent meeting, enter the said objections at length upon its journal, and proceed to reconsider such returned ordinance or supplement, and if a majority of all the members of said council agree to pass the same, it shall take effect and become a law; but in every such case, the votes shall be taken by ayes and noes, and entered upon the journal; and if such ordinance or supplement shall not be returned within ten days as aforesaid, it shall take effect and become a law in like manner as if the mayor had signed it; and each and every ordinance or supplement so passed, as aforesaid, shall be attested by the city clerk and published in two newspapers printed in said city, if so many there be, ten days before such ordinance or supplement shall go into effect; and similar ten days' public notice shall be sufficient for the intended adoption by the said common council of any ordinance, supplement or regulation. Mayor to approve or disapprove ordinances.

30. *And be it enacted*, That the common council of said city, or a majority thereof, shall have the exclusive right and power to regulate or prohibit the sale of spirituous and fermented liquors within said city as they deem most conducive to the public good; no person or persons shall in any manner sell or dispose of spirituous or fermented liquors unless licensed Council may regulate sale of liquors and grant licenses.

so to do by the common council; the amount of assessment to be paid by the applicant for a license shall be fixed by the said common council, or a majority thereof, at or before the time of granting such license, and all moneys which may be derived from granting such licenses shall be paid to the treasurer for the use of said city.

Licens.  
circuses,  
shows, &c.

31. *And be it enacted*, That the common council of said city shall have the sole and exclusive power of licensing all circuses, or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of said city, on such terms and subject to such restrictions as the said common council may prescribe, which said power of licensing the said common council may, by ordinance, delegate to the mayor or city judge of said city; and all moneys which may be derived from granting such licenses shall be paid to the treasurer for the use of said city.

Fees and com-  
pensation of  
officers, how  
granted.

32. *And be it enacted*, That the common council of said city shall have power, by ordinance or resolution, to grant or allow such fees or compensation to the several officers of said city as to the said council shall seem necessary and proper; *provided*, that the mayor shall not receive for the performance of his official duties a sum not exceeding three hundred dollars per annum; and that the members of the common council shall not receive, directly or indirectly, any compensation for the performance of their official duties.

Proviso.

Meetings to be  
public.

33. *And be it enacted*, That the place of meeting of the said common council shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present while the said council shall be in session on public business, and the said common council shall have full power to enforce the preservation of order.

Assessment  
and collection  
of taxes.

34. *And be it enacted*, That the assessor shall, with strict impartiality, assess taxes upon all persons and property within the said city, and the collector shall collect the same at such time and in such manner as the assessors and collectors of townships are or may be required by law to assess and collect in townships; *provided*, that all lands within the limits of said city, held as farm lands and not for building purposes shall be valued and taxed as farm lands in the same manner as they heretofore were taxed for township purposes; and in case of the non-payment of taxes, the said collector shall return, on the first day of December annually, the names of all delinquents, with the sums due from them, respectively, and to such city

Proviso.

magistrate as the said common council shall by ordinance or resolution direct; and the said magistrate shall thereupon issue his warrant or warrants to the city policemen, or any of them, or such other person as the said common council shall for that purpose nominate and appoint, requiring him or them to levy the tax so in arrears in the manner prescribed by the laws of the state of New Jersey relative to the collection of taxes in townships; *provided further*, that the said collector shall not be entitled to charge fees on account of any name mentioned in said warrant or warrants, unless the tax due from said delinquent be actually collected, and that all real estate, lying within the limits of the city shall be liable to be assessed and taxed for city purposes. Proviso.

35. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet annually on the third Tuesday of October, and at such other times as the common council may designate in the event an extra tax is ordered to be raised, as provided for in section twenty-seven, to hear and determine all complaints of unjust taxation; they shall sit from two o'clock P. M., until five o'clock P. M., or longer if found necessary, to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting in two newspapers printed in said city, if so many there be, at least ten days previous to such assembling. Commissioners of appeal.

36. *And be it enacted*, That the policemen of said city shall have the power to arrest and take into custody, without warrant, any offenders against the by-laws and ordinances of said city, and to confine said offender or offenders in a place provided by the said common council, until a hearing can be had before the mayor or the city judge of said city; *provided*, that such hearing shall be held within twenty-four hours after the arrest of said offender or offenders, unless such arrest is made after two o'clock P. M., on Saturday, in which case the hearing shall be had before twelve o'clock M., on the following Monday. Policemen may make arrests without warrant. Proviso.

37. *And be it enacted*, That all actions to be brought under and by virtue of this act, may be brought and prosecuted in the name of "The Treasurer of the City of Plainfield," without specifying the individual name of the treasurer of said city for the time being, and the book of records of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage, by said common Actions, name of.



council, of all ordinances and by-laws recorded therein, and the publication, by the authority of the said common council, of their ordinances and by-laws in a volume or pamphlet, shall in like manner be taken and received as evidence of the due passage thereof, and the publication of the said ordinances and by-laws in the public newspapers shall be presumed to have been made until the contrary be proved.

No person incompetent to act as juror, &c.

38. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which issue or investigation "The Inhabitants of the City of Plainfield" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant of said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Council may pass ordinances to lay out, open, widen or vacate any street.

39. *And be it enacted*, That it shall be lawful for the said common council, by ordinance, to lay out or open any street, road or highway, in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of said city, to be vacated, opened, altered or widened whensoever and so often as they shall judge the public good requires the same to be done; and the said common council shall give a written or printed notice to the owner or owners of any lands or real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her or their legal representatives, of their intention to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the said common council cannot agree with such person or persons for the same, then it shall be lawful for the said common council to appoint three judicious and disinterested citizens of said city, as commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by opening, laying out, altering or widening any such street, road, highway or alley, and in estimating and assessing such damages the said commissioners shall have due regard as well to the value of the land and other real estate, with the appurtenances, as to the injury or benefit of

the owner or owners thereof, by laying out, altering or widening any such street, road, highway or alley; and after making their award of damages, they shall deduct from the same the amount of the estimated benefits, if any, to the owner or owners, or occupiers; and if in any case the commissioners shall estimate the said benefits to be greater than the said damages, they shall so declare it in their report; *provided*, that no street, road, highway or alley in said city shall be laid out, opened or extended against the written remonstrance of those persons owning a majority in interest of the frontage land lying on that portion of the street, road, highway or alley proposed to be laid out or opened; *and provided further*, that no street, road, highway or alley that is now or may hereafter be opened shall be altered or widened against the written remonstrance of those persons owning one-half of the frontage land lying on the street, road, highway or alley proposed to be widened or altered, said remonstrance to be presented and filed with the city clerk within twenty days after he shall have published in the city newspapers the intention of the said common council to pass ordinances authorizing such improvements to be made, and the filing of such remonstrance with the city clerk shall be deemed and taken as sufficient evidence of such remonstrance having been made.

*Proviso.*

*Proviso.*

40. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed before the mayor, or any person authorized by law to administer oaths, to make the assessment and estimate submitted to them, fairly and impartially, according to the best of their skill and judgment, and the said common council may remove such commissioners and appoint others for any cause that, to said common council, may seem just.

*Commissioners to take oath.*

41. *And be it enacted*, That the said common council shall appoint a time and place, within the said city, for the said commissioners to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city of Plainfield, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, altered or widened, the alterations proposed to be made, and the lands or real estate, with the appurtenances, intended to be taken for such purposes, and the said commissioners, or a majority of them,

*Meeting of commissioners to be advertised.*

when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments, and report their proceedings to the common council, sufficiently in detail to enable the common council to determine the principle upon which such estimates and assessments were made; such report shall be filed with the city clerk, and be open to the inspection of the public for ten days, previous to its presentation to the common council, and notice of such filing shall be published in each of the city newspapers ten days previous to such presentation; parties interested may file with the city clerk written objections to said report, stating the nature and extent of their interest and the grounds of their objections to it; all such objections shall be filed within ten days after the first publication of the notice of the filing of the report; the said commissioners shall have full power to reconsider and change their report if objected to, or if they refuse so to do, either in whole or in part, they shall deliver such objections with their report to the common council, and the common council may ratify the action and report of the commissioners, or alter said report, in respect to the matter specified in the objections, or the said common council may recommit the report to the commissioners for further consideration in respect to such matters, or any other matter connected therewith; and in the event of a recommitment, the said commissioners shall, as far as may be necessary, comply with all the requirements of this section; when the common council shall have taken final action upon said report, it shall be binding and conclusive upon the owner or owners of any such lands or real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or upon a tender and a refusal thereof, it shall be lawful for the common council to cause the same land or real estate, with the appurtenances, to be converted and used for the purposes aforesaid; *provided, however*, that any person or persons, conceiving himself, herself or themselves aggrieved by the proceedings of said common council, may appeal therefrom to the circuit court of the county of Union, within sixty days from the time of making the final order of the common council, and the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury; *provided*, that any person intending

Shall make report to common council

Council may ratify report

Report binding on owners when ratified.

Proviso.

Proviso.

to appeal as aforesaid, shall notify the city clerk of such intended appeal, within ten days after the ratification by the common council of the report from which such appeal is intended.

42. *And be it enacted*, That in case of non-payment within sixty days after the estimates and assessments shall have been ratified by the common council of any damages estimated and assessed as aforesaid, with interest from the date of the assessment; and in case of no appeal to the said circuit court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city, in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants.

Proceedings in case of non-payment of estimates and assessments.

43. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid for the laying out and opening of any street, road or highway in the said city, or for the altering or widening of any street, road, highway or alley already laid out in the said city, and of all other necessary expenses incident to such laying out, altering or widening, the said common council shall ascertain the whole amount of such damages and expenses, and shall cause to be made a just and equitable assessment thereof among the owners and occupants of all the lands, tenements and real estate benefited thereby, in proportion as nearly as may be to the advantages each shall be deemed to acquire, and the common council shall appoint three judicious and disinterested citizens of said city to make every such assessment, who, before they enter upon the execution of their trusts, shall be sworn or affirmed before any person residing in said city authorized by law to administer oaths, to make said assessment fairly, according to the best of their skill and judgment; and a report in writing of such assessment, signed by a majority of such persons, being returned to the common council and ratified by them, shall be binding and conclusive upon the owners and occupants of such lands, tenements and real estate to be assessed respectively; and such owners or occupants shall also respectively, on demand, pay to such persons as shall be authorized by the said common council to receive the same, the sums at which such lands, tenements and real estate shall be assessed, to be applied to the payment of the damages and expenses of laying out,

Damages for laying out, widening or opening streets, how assessed.

altering or widening the said street, road, highway or alley as aforesaid; and on default of such payment, or any part thereof, it shall be lawful for the mayor of said city, by direction of the common council, to issue a warrant under the common seal, to levy the same by distress and sale of the goods and chattels of such owner and occupant refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupant, or his or her legal representatives; *provided, always*, that nothing in this section contained shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this supplement had not passed; and further, if any such assessment, or any part thereof, shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, before any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid and proof of payment shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought in law to bear and pay every such assessment; all the provisions of section forty-two relating to the form of the report and filing of the same with the city clerk, and giving notice thereof, and the subsequent proceedings thereon, as far as the same may be applicable, shall be regarded as appertaining to this section.

Assessments  
not paid to be  
advertised.

Lands to be  
sold at public  
auction for  
non payment  
of assessments

44. *And be it enacted*, That in case any assessment made as aforesaid shall not have been complied with, by the payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised in one or more public newspapers printed in said city, for at least one month, requiring the owner or occupant of such lands, tenements and real estate respectively, to pay the sums at which the same shall have been assessed, to the treasurer of said city; and in default of such payment, such lands, tenements and real estate will be sold at public auction, to satisfy such assessment, and the interest, costs, charges and expenses thereof; and if, notwithstanding such notice, the said owners or occupants shall refuse or neglect to pay such assessment,

and the expenses of such advertisement, then it shall and may be lawful for the said common council to cause to be collected the amounts of said assessment, for the benefits so made as aforesaid upon any lands or real estate, with the interest, costs, charges and expenses, by a sale of said lands and real estate as hereinafter provided; and to cause public notice thereof to be given for the space of four weeks, by setting up advertisements of such sale in five public places in said city, and publishing the same in one or more public newspapers printed and published in said city, for the term above mentioned, being the four weeks next preceding such sale, which notices shall be signed by the city clerk, and shall contain a brief description of the premises to be sold, and for what purpose, and the amount of said assessment against the same, with the costs, charges and expenses, and the day, hour and place of such sale; and it shall be lawful to sell said land and premises at public auction, for the shortest term, not exceeding one hundred years, for which any person or persons will agree to take the same and pay such assessment, interests, costs, charges and expenses, and to cause to be executed under the common seal of said city a certificate of said sale, and deliver the same to the purchaser or purchasers thereof, within ten days after such sale; *provided*, that it shall not be lawful to sell the same until six months after the completion and return of said assessment, nor until the owner or owners of said real estate be personally notified to pay said assessment, if non-resident, and their place or residence may be found with reasonable diligence.

Notice to be  
given.

Proviso.

45. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands or real estate sold for assessments as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer for the use of the purchaser, his heirs or assigns, the said purchase money, together with any other assessment properly chargeable thereon, and which the purchaser may have paid, with the interest on said purchase money at the rate of twelve per centum per annum from the time of such sale, or from the time of such payments; and the certificate of said treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption, which sum of money so paid, the said treasurer shall cause to be refunded to the purchaser, his heirs and assigns.

Owner, mortgagee, &c.  
may redeem.



Declaration of  
sale to be exe-  
cuted to pur-  
chasers.

46. *And be it enacted*, That if any lands or real estate so sold shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representative, or assigns, a declaration of sale under their common seal, signed by the mayor, attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration shall be recorded in the office of the city clerk, and until the same shall have been recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; and such declaration of sale shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this act, and such purchaser or purchasers, and his and their legal representatives, shall by virtue thereof lawfully hold and enjoy such lands and real estate, with the rents, issues, and profits thereof, for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same; and at the expiration of said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lands so sold belong to an idiot, lunatic, or infant, for whose estate no guardian shall have been appointed, the said common council shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lands until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee to their estate appointed, and until the expiration of said four months, such guardian or trustee or person whose disability has been removed may redeem such lands as hereinbefore provided.

Proviso.

City clerk to  
record certifi-  
cates, &c.

47. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose all certificates of sale and assignment, thereof, to give certificates of search in relation thereto, to any person applying for the same, and to cancel such certificates of sale and assignments thereof, so recorded, when the land and real estate for which

they were given shall be redeemed on certificate of the city treasurer of such redemption, and to file such certificate in his office; it shall be the duty of the city treasurer to make out two receipts for all property redeemed, one for the person redeeming, and one to be filed in the office of the city clerk. City treasurer.

48. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied, and that it shall be lawful for the said common council, instead of the remedies hereinabove provided, if they shall see fit, in case of a refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of such assessment from the person or persons, who, under the provisions of this supplement ought to pay for the same, or his, her or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such person or persons, his, her or their legal representatives; and the said assessment shall be conclusive for the plaintiff in every such action. Assessments to remain a lien on lands.

49. *And be it enacted*, That no street, road, highway or alley, hereafter to be laid out or opened in said city shall be recognized, considered or treated as a public street or highway, road or alley, unless the same be laid out and opened under the direction of the said common council in manner aforesaid. Streets to be laid out under direction of council.

50. *And be it enacted*, That in case any owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering or widening any street, road, highway or alley in the said city shall be non compos mentis, or out of the state, or cannot be found on reasonable inquiry, and no agent or legal representative of such owner can, on like inquiry, be found in this state, then it shall be lawful for the common council of said city to proceed to the appointment of the commissioners mentioned and provided for in the fortieth section of this act, after publishing in a newspaper printed in said city, for the space of two weeks at least, once in each week, a notice of the intention of said common council to take such land or real estate and appropriate it for such street, road, highway or alley. Proceedings in taking of lands where owners are incapacitated.

51. *And be it enacted*, That in case the common council and the owner of any such land or real estate shall agree Damages wh n owners and council agree.

upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions named in section forty-four of this act.

Lands of persons incapacitated to be advertised and sold, &c.

52. *And be it enacted*, That in case the owner or owners of any lands, tenements or real estate mentioned in the forty-fourth section of this act, be under age, non compos mentis, out of the state, or cannot be ascertained on reasonable inquiry made under the directions of the common council, and the assessment made on such lands, tenements or real estate in pursuance of the provisions of said forty-fourth section, remain unpaid for the space of thirty days after the same shall be made, it shall be lawful for the common council, without demand from such owner or owners, to proceed to the advertisement first mentioned in the forty-fifth section of this act, and the sale provided for in said section in the manner in said section pointed out.

Ending point of streets, when not a public highway, no valid objection.

53. *And be it enacted*, That it shall be no valid objection against laying out or opening any highway, street or road in said city, that the ending point of the same is not in a public highway; *provided*, the same be laid out or opened in conformity with the provisions of this supplement.

Council may, by ordinance, pave, macadamize, curb, grade, &c., streets.

54. *And be it enacted*, That it shall and may be lawful for the common council of said city to make and establish ordinances and regulations for the paving or macadamizing of any street or section of a street, and for the curbing, grading, paving, flagging, graveling, cementing or planking of any sidewalks in any street or section of a street in said city, by the owners or occupants of lands, tenements or real estate fronting on or adjoining such street or section of a street, and to appoint one or more discreet and skillful person or persons to superintend the said work and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations by enacting penalties for non compliance therewith; *provided*, that before any such ordinance or regulation shall be adopted by the said common council, notice of such intended action shall be published by the city clerk in two newspapers printed in said city, if so many there be, for the period of at least fourteen days.

Proviso.

Failure of owners to pave, &c., council may order the same done at expense of owners.

55. *And be it enacted*, That if the owner or owners of any lands, tenements, or real estate, in front whereof the street shall, by such ordinance or regulation, be directed to be paved or macadamized, or the sidewalk curbed, graded, paved,

flagged, graveled, cemented, or planked, shall neglect to comply with such ordinance or regulation, it shall be lawful for the said common council to cause such improvement to be made at the expense of the city on account of the owners of such real estate, and the amount paid by the city for such work shall be a lien on such real estate from the time of its completion, and shall bear interest at the rate of twelve per centum per annum from the date of payment by the city; such amount paid or agreed to be paid for such work shall be regarded as an assessment, and the said common council shall cause an advertisement to be inserted in two newspapers printed in said city, if so many there be, for three weeks at least, stating the amount of such assessment, and requiring the owner or owners of such lands, tenements or real estate, to pay the same to the treasurer of said city, appointing a day and place when and where such lands, tenements or real estate will be sold at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lands, tenements, or real estate, shall neglect to pay such assessment, with cost and charges thereof, and of the said advertisement or advertisements, it shall be lawful for the said common council to cause such lands, tenements, or real estate to be sold at public auction for a term at the time, for the purposes, and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of said city; and such purchaser, his or her executors, administrators, or assigns, shall by virtue thereof, and of this act, from and after the expiration of the term hereinafter named for redemption, lawfully hold and enjoy the same for his, her, and their own proper use, against the owner or owners and all claiming under him, her, or them, until his, her, or their term therein shall be fully completed and ended, and be at liberty to remove all the buildings and materials which he, she, or they shall erect or place thereon; but he, she, or they shall leave such lands, tenements, or real estate, at the expiration of the term, in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance or regulation; *provided*, that if, after defraying the actual expense of paving or macadamizing the street, or of curbing, grading, paving, flagging,

Advertisements of assessments to be published.

In default of payment. lands to be sold.

Declaration of sale.

Proviso.

Proviso.

graveling, cementing, or planking the sidewalk in front of any lands, tenements, or real estate so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges attending the sale, a surplus of the purchase money shall remain in the hands of the treasurer of said city, the same shall forthwith be paid to the owner or owners of such lands, tenements, or real estate, or his, her, or their legal representatives; *and provided further*, that the lands, tenements, or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person for and in behalf of the owner, mortgagee or claimant of such lands, tenements, or real estate, at any time within two years after the sale for assessments, by paying to the treasurer of said city, for the use of the said purchaser, the purchase money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of said city stating the payment, showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption.

Assessment to remain a lien.

56. *And be it enacted*, That the amount of the assessment or estimate to be made as aforesaid on any lands, tenements or real estate in said city, shall be and remain a lien thereon from the time of the completion and return of such assessment or estimate in manner aforesaid until paid or otherwise satisfied; and that it shall be lawful for the common council of said city, instead of the remedy hereinabove stated, if they shall see fit, in case the owner or occupant of any lands, tenements or real estate within the city shall neglect to comply with such ordinance or regulation in respect to the street or the sidewalk in front thereof, to sue for and recover, in the name of the treasurer of said city, the amount of such assessment or estimate and costs thereof from the owner or owners of such lands, tenements, or real estate, or his, her or their legal representatives, with interest and costs, before the mayor or the city judge of said city, or in any court having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended, to and for the use of such owner or owners, or his, her or their legal representatives; and in every such action the said assessment or

estimate, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

57. *And be it enacted*, That if the tenant or tenants of any lands, tenements or real estate within said city, shall cause the street in front thereof to be paved or macadamized, or the sidewalk to be curbed, graded, paved, flagged, graveled, cemented or planked in obedience to such ordinance or regulation, at his, her or their own expense, it shall be lawful for him, her or them to deduct the same out of the rent or recover the same from the landlord or owner or owners, or his, her, or their legal representatives, with interest and costs, in an action on the case, before the mayor or the city judge of said city, or in any court having cognizance thereof, for so much money by him, her or them paid, laid out and expended to and for his, her or their use; *provided*, that nothing in this act shall affect any contract or agreement made or to be made between landlord and tenant respecting such charges or expenses. Tenants may recover assessments of landlord.

58. *And be it enacted*, That it shall and may be lawful for the common council of said city to cause stone walks to be laid across any street at the general expense of said city. Stone walks across streets.

59. *And be it enacted*, That it shall and may be lawful for the common council of said city to specifically define by ordinance the manner in which all assessments shall be levied and collected, and to make such regulations as may be necessary to carry into effect the true intent and meaning of this act; that any assessment made by virtue of the provisions of this act, or of the act and supplement thereto, to which this is a supplement, shall bear interest at the rate of twelve per centum per annum, from the day the same is ratified by the city council, and not before, and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment, with the interest and expense accruing thereon, shall be paid or the amount thereof discharged by the sale of the said lands or real estate by the city. Ordinances to define the levying and collection of assessments.

60. *And be it enacted*, That all expenses for improvements in paving or macadamizing any street or portion of a street shall be assessed upon and paid by the lands and real estate fronting on such street or portion of a street; all expenses for grading, curbing, flagging, planking or cementing sidewalks shall be paid by the owners of the real estate in front of which such sidewalks are thus improved; all expense for the construction of sewers or under-drains, shall be assessed Expenses for improvements to be assessed and paid by lands fronting on streets.



upon all the lands and real estate lying within the district drained by such sewer or under-drains in proportion to the benefit received; all expenses for improvements in opening, altering, widening and grading streets, and for grading sidewalks, where such grading is included in a contract for grading the street adjoining such sidewalk, shall be assessed upon and paid by the lands and real estate benefited by the same in proportion to the benefit received.

Council may establish ordinances for assessment of cost of grading and paving street intersections.

61. *And be it enacted*, That the common council of said city may make and establish ordinances providing for the assessment of the cost of grading and paving any street intersections, upon the owners of lands and real estate, to the centre of the block each way from the intersection thus improved.

Expense of paving, widening, altering streets, &c. used by railroad companies, how assessed.

62. *And be it enacted*, That whenever any street, or part of any street in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, or graded, paved, or macadamized, and proceedings for altering or widening, or grading, paving or macadamizing the same, shall have been taken under the provisions of this act, it shall be lawful for the commissioners appointed by the city council, and whose duty it shall be to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening, and the costs and expenses of such grading, paving, or macadamizing among the owners of all the lands and real estate benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the city of Plainfield, and may also be enforced in the same manner as the assessment upon such owners of land and real estate benefited thereby.

Improvements may be ordered by resolution.

63. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvements or performing any work in relation to the opening, altering or widening of any street, the construction of any sewer or drain, the widening, leveling, grading, curbing, guttering, paving, flagging, graveling, or planking any street or sidewalk, all further action which may be necessary to carry out and complete such improvement or work, and all orders

relating thereto, may be done by resolution and not by ordinance.

64. *And be it enacted*, That no street, road, highway or alley, or any portion thereof within said city shall be paved or macadamized by any process or with any material, whether patented or not, against the written remonstrance of a majority of all the frontage ownership of land lying on said street, or portion of a street, road, highway or alley proposed to be thus improved, and that whenever the common council of said city shall determine to cause any street, or section of any street, road, highway or alley to be paved or macadamized, then a majority in interest as specified in this section, may agree with the contractor or contractors for doing the work as to the price to be paid for the proposed improvement, and such stipulated amount as agreed upon shall be the price paid for the work when completed; *provided*, No street, &c., to be paved where majority of frontage ownership of lands remonstrates. *however*, the agreement as to the price to be paid between the property owners and the contractor or contractors shall be made within the time fixed in the ordinance adopted by the common council providing for the contemplated improvement, and if for any reason the property owners fail to agree with the contractor or contractors, within the time specified in the ordinance as aforesaid, then it shall be lawful for the common council to make the contract with the contractor or contractors and order the work done. Proviso.

65. *And be it enacted*, That whenever the common council of said city shall determine to cause any street improvement to be made which shall contemplate the use of any patented process or materials, and the owners of one-half of the property in running feet along the line of the intended improvement shall remonstrate, in writing, against the use of any specified patent, in making such improvement, or petition for the use of any specified patent, the said common council shall cause the said work to be done in accordance with the request of such proportions of owners. Majority of owners may petition for improvement.

66. *And be it enacted*, That this act shall be taken and deemed to be a public act, and may at any time be amended, altered or repealed by the legislature of this state; *provided*, May be altered and repealed. Proviso. that all amendments or alterations relating to the raising of money by loan or taxation, shall, before taking effect, be submitted to the electors of said city, and be approved by a majority thereof, voting by ballot, at an election held in con-

formity with the requirements of this act relating to annual elections.

Repealer.

67. *And be it enacted*, That all laws and parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed ; but this repeal shall not affect any proceeding had or commenced under the same when this act takes effect, nor any rights or dues which the city of Plainfield or any person or persons were entitled to by virtue thereof.

68. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXII.

An Act to provide for a free bridge across the Raritan river at the city of New Brunswick.

Preamble.

WHEREAS, in consequence of the increasing population of that part of Middlesex county lying on the east bank of the Raritan river, known as East New Brunswick, it is desirable to have free communication by bridge between the city of New Brunswick and the east bank of said river, opposite thereto, and to extinguish by purchase all exclusive privileges in building and maintaining toll bridges over said river, enjoyed by the proprietors of the bridge over the Raritan river, at New Brunswick aforesaid ; therefore, to enable the same objects to be carried out and accomplished,

Commissioners and power to purchase bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Bishop, Azariah D. Newell, Henry L. Janeway, Abraham V. Schenck and Henry Weston, Peter S. Duryea, Alfred L. Dennis, J. Russell Howell, Isaac W. Scudder and Ezekiel M. Patterson, as commissioners, or a majority of them, be hereby appointed commissioners with full power and authority, by contract with the proprietors of the bridge over the Raritan river, to purchase and acquire for the public use of the county of Middle-

sex the toll bridge now erected across the Raritan river at the foot of Albany street, in the city of New Brunswick, together with the exclusive franchise enjoyed by the said proprietors to establish and maintain the bridge across the said Raritan river, for the lowest price for which the same can be obtained, to the end that no obstruction may hereafter exist to the erection of such free bridges as may at any time be built across the said Raritan river at the said city of New Brunswick, in pursuance of law.

2. *And be it enacted*, That in case no agreement for such purchase can be made with the said corporation, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of the said bridge and franchise, having first given at least twenty days' notice in writing of the time and place, when and where, the said commissioners will meet to hear any representations on behalf of the said corporation or of the board of freeholders of the said county of Middlesex, in relation to the matter, which notice shall be served upon the president of said corporation, and also upon the director of the board of chosen freeholders of the said county of Middlesex, and shall also be published in the daily newspapers of the city of New Brunswick for the space of ten days prior to said meeting; and the said meeting may be adjourned from time to time, at the discretion of the said commissioners; and so soon as they shall have determined upon the said valuation, they shall prepare and sign a certificate thereof, and file the same in the office of the clerk of the county of Middlesex; and immediately upon the payment to the proprietors of the bridge over the Raritan river, at the foot of Albany street, in the said city of New Brunswick, of the amount of the said valuation, or, in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the board of chosen freeholders of the said county, for public use, in the same manner as if the same had been erected by the said board in pursuance of law, and it shall thereafter be lawful to erect and maintain bridges over the said Raritan river, in the said county of Middlesex, in such mode as may be provided by law, as freely as if no exclusive privilege had been granted to said corporation concerning the same.

Commissioners to estimate and determine the value of bridge when no agreement can be made.

Title and possession of bridge vested in board of freeholders.

3. *And be it enacted*, That in case said corporation, or the

Proceedings  
in case of ap-  
peal.

Proviso.

Award and ex-  
penses to be  
paid by board  
of freeholders

May borrow  
money and  
issue bonds.

Commission-  
ers to take  
oath.

board of chosen freeholders of the county of Middlesex, shall conceive themselves aggrieved by the action of said commissioners, they may appeal therefrom to the supreme court of this state, at any time within sixty days after the filing of the said certificate, as aforesaid, and the said court shall order a jury, which jury shall by the order of said court be selected from any other county than the county of Middlesex; and said court shall have the power to designate that said jury can be a jury of view and that they shall be selected and summoned in like manner as struck juries are now selected and summoned, which jury shall assess the value of the said bridge and franchise, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive as to the said valuation, and the amount already paid or deposited as said valuation shall be increased or diminished accordingly; *provided*, that in case of appeal by said board, and also by said corporation, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal, whether taken by the said board of chosen freeholders or by the said corporation, shall be in the county of Middlesex.

4. *And be it enacted*, That the amount agreed upon or finally awarded, as aforesaid, for the purchase of said bridge and franchise, with the expenses incident thereto, shall be paid by the board of chosen freeholders of the county of Middlesex, and the said board of chosen freeholders is hereby authorized, empowered, and required to borrow, from time to time, in the name of said board, by the issue of bonds, to be signed by the director, and countersigned by the collector of said county, and payable at any time not exceeding ten years, and bearing interest at seven per centum per annum, all such sums of money as may be necessary to pay the valuation and expenses aforesaid; which sums of money shall be paid over to said commissioners, to be applied by them to the purposes provided for in this act, and the moneys necessary for the redemption of the said bonds, with the interest to accrue thereon, shall be raised by county taxes, from time to time, in the same manner as other taxes are raised in said county.

5. *And be it enacted*, That before entering upon the duties hereinbefore specified, the said commissioners shall take and subscribe an oath, before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and the said

commissioners shall be entitled to receive five dollars per day Compensation for the time necessarily employed by them in the duties imposed by this act.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 4, 1872.

### CHAPTER DXIII.

A Supplement to the act entitled "An Act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the warrants issued for arrears of taxes against or upon personal estate in the city of Newark, directed to the receiver of taxes as collector of arrears, shall be valid until the first day of November after their date, and the said receiver as collector of arrears shall make his final return and statement to the common council, at their first meeting in the month of December following in each and every year, and that the sixteenth and seventeenth sections of the act entitled "A Further Supplement to the act entitled 'An Act concerning taxes,'" approved April eleventh, one thousand eight hundred and sixty-six, are hereby declared to be in full force and effect, so far as relates to the city of Newark. Warrants issued declared valid. Final return when to be made. Act extended

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.



## CHAPTER DXIV.

An Act to authorize the Trustees of Preakness School District, Number Fifteen, in Passaic county, to borrow money and issue bonds to purchase land and build a school house thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Preakness School District, Number Fifteen, in the township of Wayne, in the county of Passaic and state of New Jersey, be and they are hereby authorized to borrow any sum or sums of money, not greater than twenty-five hundred dollars in all, that they may find necessary for the purpose of purchasing a lot and erecting a school house thereon and furnishing the same, with the privilege of using the material of the old house within said school district.

Trustees may  
borrow money  
and erect a  
school house.

May issue  
bonds.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue bonds in their corporate name to the lenders of said moneys in amounts not less than fifty dollars each, payable at such times and in such amounts as the board of trustees shall direct, with lawful interest, payable annually, which bonds shall be registered in a book kept by said trustees for that purpose, and shall be assignable in law, and shall be a first lien against said school house when it shall be erected.

Legal voters  
may assess a  
special tax.

3. *And be it enacted*, That it shall be the duty of the legal voters of said school district, at their annual district meetings hereafter, to assess such a special tax upon the inhabitants of said school district and their estates, in addition to all other taxes raised at such meetings and required by law, as will be sufficient to pay the annual interest accruing on said bonds, and also to provide for their ultimate redemption when due, which taxes shall be collected by the officer now or hereafter provided by law for the collection of other township taxes, and shall be separately accounted for by him and appropriated, first, so far as required, to the payment of said interest annually as it falls due, through orders drawn on him by the clerk of the said trustees, as

Tax, by whom  
collected and  
how used.

now provided by law with regard to other school funds; and, secondly, to be applied to the redemption of said bonds as the same shall become due.

4. *And be it enacted*, That the funds raised by the said bonds shall be paid over directly into the hands of the collector of Wayne township, and shall be appropriated by him solely to the purposes expressed in the first section of this act, upon orders drawn upon him by said trustees through their clerk. Collector to receive proceeds of sale of bonds.

5. *And be it enacted*, That before any lender upon said bonds shall pay any money over to said collector, he, the said collector, shall have first entered into bond with the inhabitants of said school district, with two securities, to be approved by the said trustees, for the faithful appropriation of all moneys that may come into his hands by virtue of this act, which bond shall be filed with the clerk of Wayne township, and recorded in the records of his office. Collector to give bond.

6. *And be it enacted*, That so much of the present school law of this state as conflicts with this act, so far as it applies to the said Preakness School District, Number Fifteen, in the township of Wayne and county of Passaic, be and the same is hereby repealed. Repealer.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXV.

An Act to confirm the acknowledgment and proof of deeds and other instruments of writing taken by Henry Gaede.

WHEREAS, Henry Gaede had been duly appointed a commissioner of deeds for the city of Jersey City, in the county of Hudson; and whereas, said Henry Gaede was duly elected a member of the present house of assembly of this state, and it appearing that he acted as commissioner of deeds after his term of office as such member of assembly had Preamble

commenced, and doubts having arisen as to the validity of his official acts as such commissioner :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments, and proofs of deeds and other instruments of writing, taken and certified by the said Henry Gaede, as commissioner after his term of office as a member of assembly commenced, be and the same are hereby confirmed, valid and effectual, in like manner as though the same had been taken and certified by him before his said election to the house of assembly.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.  
Approved April 4, 1872.

## CHAPTER DXVI.

### An Act concerning roads in the township of West Milford, Passaic county.

Election of  
overseers of  
roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the several road districts in the township of West Milford, in the county of Passaic, shall elect overseers in their respective districts, on the Saturday immediately preceding the annual town meeting, at two o'clock in the afternoon.

Notice of  
election to be  
given.

2. *And be it enacted*, That the overseers of each road district in said township shall give ten days notice of the time and place of holding said election, by notice set up in three of the most public places in said road district.

Chairman of  
meeting.

3. *And be it enacted*, That when assembled at the time and place of meeting, the legal voters of each road district shall choose a chairman from among their number, whose duty it shall be to preside at said elections, and decide all questions of order and cases of dispute, and certify the results to the town clerk, on or before the day of the next annual town meeting in each year.

4. *And be it enacted*, That if the overseers of any road

district in said township shall neglect or refuse to perform the duties imposed upon him by this act, he shall forfeit and pay the sum of five dollars for every such neglect or refusal. Overseers,  
penalty for  
neglect of duty

5. *And be it enacted*, That if the chairman of any election, held under the provisions of this act, shall neglect or refuse to perform the duties imposed upon him by this act, he shall forfeit and pay the sum of five dollars for every such refusal or neglect. Chairman,  
penalty for  
neglect of duty

6. *And be it enacted*, That all forfeitures and penalties arising under this act, shall be recoverable in any action of debt, at the suit of taxable inhabitants of the same road district to which the defendant in said action belongs; and when recovered, said forfeiture and penalties shall be appropriated to the repairing of the roads of said district. Forfeitures,  
how recovered  
and appropri-  
ated.

7. *And be it enacted*, That if any road district in said township neglect or refuse to elect an overseer for said district at the time specified in the first section of this act, or if the overseer of any road district in said township shall remove, or die, resign, or become unable to discharge the duties of an overseer, then it shall be the duty of the township committee of said township to appoint an overseer for said district from among the taxable inhabitants thereof, and the person so appointed shall hold his office until a successor shall be appointed or elected. Vacancies,  
how filled.

8. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 4, 1872.

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## CHAPTER DXVII.

A Further Supplement to "An Act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter, whenever application shall be made to the inferior court of common pleas of

Surveyor of  
highways may  
lay out or al-  
ter any road  
when applica-  
tion is made  
to court of  
common pleas

Surveyors to  
make assess-  
ment of dam-  
ages.

Repealer.

the county of Essex for the laying out or alteration of any public road in the township of East Orange, in said county, pursuant to the method prescribed in the act to which this is a supplement, and of the several supplements thereto, now in force in the said township, and proceedings shall be had thereon, pursuant to said act and supplements, it shall be lawful for the surveyors of the highways to lay out or alter the road so applied for to be laid out or altered, notwithstanding the fact that a dwelling house or other building may be wholly or in part within the lines of such road; and in such case it shall be the duty of the surveyors, in making the assessment of the damages the owners of any lands or real estate which may be taken will sustain, to take into account and allow for the fair, actual value of any such house or building at the time of making such assessment; and the assessment so made up shall be by said surveyors provided for, to be paid in the same manner as is now provided in said act and the supplements thereto, with reference to the damages heretofore allowed by law.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXVIII.

An Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company.

Preamble.

WHEREAS, by an act approved February thirteenth, eighteen hundred and sixty-six, certain persons were incorporated under the name and title of "The United States Casualty Company," with power to insure against death and injury to individuals by accidents or casualties, and by a supplement approved April seventh, eighteen hundred and sixty-eight, the name of the said corporation was changed to "The United States Mutual Life and Casualty Insurance

Company," and empowered to make insurances based upon the lives of persons, and to transact all business appertaining to or connected with life risks, and the name was again changed by a further supplement to "The Anchor Life Insurance Company," and the said company ceased to issue policies of insurance against accidents or casualties, having reinsured in other companies all their outstanding risks of that kind, and has ever since been conducted as a life insurance company merely; and whereas, by the said supplements to the original act, and the several changes of the corporate name, much misunderstanding and inconvenience has arisen with the persons transacting business with the company, it has become desirable to consolidate the said act and supplements thereto in one act to incorporate the said Anchor Life Insurance Company; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry M. Alexander, Benjamin S. Walcott, James M. Halsted, Ludlow Patton, Francis Robinson, A. W. Greenleaf, Nicholas Murray, George L. Dunlop, Edmund C. Fisher, William J. Hughes, E. Boudinot Colt, Ashbel Green, Robert L. Kennedy, William M. Everts, James R. Taylor, Truman Dunham and others, their associates, successors and assigns, shall be, and hereby are ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Anchor Life Insurance Company," and by that name they and their successors shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, suits, complaints, matters and causes whatever; and that they and their successors may have a common seal and may alter and change the same at pleasure; and also that they and their successors shall be, in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation.

Corporators.

Name and powers.

2. *And be it enacted*, That the property and concerns of the said corporation shall be conducted and managed by a board of directors of not less than fifteen persons, each of whom shall be the owner of at least ten shares of the capital stock of the said corporation; that the election for directors shall be held on the first Monday in March, in every year, at the office of the company or such other place as the board of

Election of directors.



directors may previously designate, public notice of which shall be given in one or more newspapers, at least seven days previous to the time of holding said election; and if any of the directors so elected shall die, refuse to serve, neglect to act, or resign their said office, then the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; and in case it should happen that an election for directors shall not be held on the day when, pursuant to this act, it ought to be held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold an election for directors pursuant to law; and that in all elections for directors every shareholder shall be entitled, in person or by proxy, to one vote for each and every share of the capital stock then standing in his name on the books of the company, and the number of directors, more than fifteen, to be voted for, shall be fixed by the by-laws, and the directors may add to their number persons to serve as directors until the next annual election.

Failure to  
elect not to  
dissolve.

First directors 3. *And be it enacted*, That the said Henry M. Alexander, William J. Hughes, James M. Halsted, Ashbel Green, Francis Robinson, William M. Everts, Nicholas Murray, Truman Dunham, Edmund C. Fisher, E. Boudinot Colt, Robert L. Kennedy, James R. Taylor, Benjamin S. Walcott, Ludlow Patton, A. W. Greenleaf, George L. Dunlop shall be the board of directors for the first year, unless others shall be appointed in their place, as provided for in this act.

President. 4. *And be it enacted*, That the directors shall hold their meetings at such time and place as they shall appoint; that, at the first meeting of the directors, held after the organization of this company, and that at their first meeting after every succeeding election, the directors shall choose from among themselves a president, and if they deem it necessary, one or more vice-presidents, who shall continue in office until the next annual meeting, and until others shall be appointed in their places.

May make in-  
surances, &c.

5. *And be it enacted*, That it shall be lawful for the said corporation to make insurances, based upon the lives of persons, on such terms and conditions as shall from time to time be determined upon by the board of directors of said corporation, and to make contracts upon any and all conditions appertaining to, or connected with life risks, of whatever nature or kind.

6. *And be it enacted*, That it shall be lawful for any mar-

ried woman in her own name, or in the name of any third person as trustee, to cause to be insured the life of her husband, for any given time, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and, in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after death to her child or children, for his, her or their benefits, or their guardian or guardians, if under age.

Married woman may insure life of husband.

7. *And be it enacted*, That the capital stock of the company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shall be personal property, and shall be transferable only on the books of the company, in conformity with its by-laws; and the said company may, by a vote of two-thirds in interest of the stockholders, increase their capital stock to a sum not exceeding five hundred thousand dollars.

Amount of capital stock.

8. *And be it enacted*, That the capital stock and funds of said corporation may be invested and re-invested in any loans made upon bonds and mortgages on real estate worth at least fifty per centum more than the amount loaned, and the bonds or stocks of this state and of the United States, and upon such other security as the board of directors may see proper; and the said corporation may receive money on trust or deposit, and may loan out the same; *provided*, said loans are secured by the pledge of collateral security, to be approved by the board of directors, worth at least twenty per centum more than the amount loaned, and may receive legal interest for any loan made by them, together with such commission or compensation as may be agreed upon, in writing, between the parties.

Capital stock, how invested.

Proviso.

9. *And be it enacted*, That the sum of one hundred thousand dollars of the capital stock of the company shall be invested in securities of the United States or of the state of New Jersey, or in bonds and mortgages, to be approved by the treasurer of this state, and shall be deposited with such treasurer as a guarantee to the parties who may be insured in said company; the interest upon said investments to be collected and paid by the said treasurer to the said company.

Certain sum of capital stock to be invested and deposited with state treasurer

10. *And be it enacted*, That the board of directors may

**Powers of directors.** make and declare the dividends authorized by this act, and may make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management of the stock, property, estate and effects of the said corporation, also for the establishment of agencies, and for all such matters as appertain to the business thereof; and shall have power to appoint, and at their pleasure remove an actuary, one or more secretaries, and such other additional officers, clerks and servants, either from their own number or otherwise, for carrying on the business of the said corporation, as they may select, with such allowance and compensation as shall appear to them just and proper; and shall and may regulate the premiums to be paid for insurance, and the mode and manner of paying the same; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

**Dividends, profits to be distributed to policy holders.** 11. *And be it enacted*, That a semi-annual interest dividend, not to exceed three and one-half per centum may be declared and paid to the stockholders on the capital stock of the corporation, and that ten per centum of the profits of the business of the company may be declared and paid to the stockholders, and all the remainder of the profits shall be distributed among the policy holders, in such manner and at such times as the board of directors shall designate; but a dividend of profits shall be made to policyholders at least once in every five years, and the benefits of the same shall be received only by such persons as shall hold policies which are in force at the time the dividend is made; and the dividends, so made and declared, may be applied in an equitable manner to the reduction of premiums payable to the company during the period which shall elapse between the time in which it is declared and the recurrence of the next succeeding dividend required by this section.

**Directors may purchase policies and other obligations.** 12. *And be it enacted*, That the board of directors may, for the benefit of the company, purchase all policies of insurance and other obligations issued by the company, and may also extinguish by purchase all claims and demands of policyholders, for profits declared or accumulating.

**Distribution of profits, how may be made.** 13. *And be it enacted*, That in case a majority in interest of the stockholders of said company shall so elect, said company may fix the amount of its dividends to stockholders, at a rate not exceeding seven per centum upon the whole amount

of its capital stock, and the residue of the profits of the business of the company may be distributed among the policyholders of said company, in such manner and at such times as the board of directors may designate.

14. *And be it enacted*, That the said company on depositing with the state treasurer an amount sufficient to reinsure any of its policies, according to the American experience table, with four and one-half per centum interest, shall receive from him a certificate to the effect that such sums are held by him to secure said policies; the proper deposits shall be determined by a competent actuary, approved by the treasurer, and the treasurer shall receive a fee of one dollar for the first certificate regarding any policy, and a further fee of twenty-five cents for each subsequent one regarding the same policy; which fees, and all the actuarial and other expenses required for the carrying out of this section, shall be borne by said company; on the return of the last certificate of any policy, with evidence that such policy is no longer in force, the treasurer shall release the corresponding deposit on application of the company.

State treasurer to deliver certificate of deposit.

Fees.

15. *And be it enacted*, That the said company shall be subject to all contracts, liabilities and engagements entered into by authority of the said act and supplements referred to in the preamble to this act; and all provisions of said act and supplements not in conformity with this act are hereby repealed, so far as inconsistent with this act and no further.

Company liable for all contracts.

16. *And be it enacted*, That this act shall take effect immediately, and the said corporation shall possess the powers, and be subject to the restrictions, limitations and conditions specified in an act entitled "An Act concerning corporations," approved February twentieth, eighteen hundred and forty-six, and the several supplements thereto.

General powers.

Approved April 4, 1872.

## CHAPTER DXIX.

## An Act to incorporate the Camden Savings Fund and Trust Company.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas McKeen, John F. Starr, John Hood, John R. Graham, Samuel H. Grey, George B. Carse, Stevenson Leslie, Rudolphus Bingham, Patrick Byrne, William J. Sewell, Henry Fredericks, Charles P. Stratton and Thomas A. Wilson, and their successors be, and they are hereby constituted a body corporate and politic,
- Name.** by the name of "The Camden Savings Fund and Trust Company," and by that name shall be capable of purchasing, holding, leasing, selling, transferring or conveying real and personal property of every description, necessary or proper for the objects of the corporation hereby created, to make and use a common seal, to alter and change the same at pleasure, to sue and be sued, defend and be defended in all courts of law and equity.
- Capital stock.** 2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, transferable upon the books of said corporation only; *provided*, that said corporation shall not organize or commence business until twenty-five thousand dollars shall have been subscribed and paid in, in cash.
- Affairs, how managed.** 3. *And be it enacted*, That the affairs of said corporation shall be managed and conducted by a board of thirteen directors, who shall be stockholders in said company, and shall be elected by the stockholders thereof annually; *provided*, that the persons named in the first section of this act shall be directors of said company until others are elected in their stead.
- Commissioners to receive subscriptions.** 4. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company, at such time and place as they or a majority of them shall deem proper, giving at least twenty days'

notice of the time and place for receiving subscriptions in two of the newspapers printed and published at Camden, in this state.

5. *And be it enacted*, That the directors of said corporation, or a majority of them, when met together for that purpose, shall have power to appoint a president, secretary, treasurer, solicitor, and such other officers as shall appear to them necessary for conducting the business of said corporation, which officers so appointed shall continue in office for one year, and until others are appointed in their stead; and all officers of said corporation before entering upon the duties of their respective offices, shall take or subscribe an oath or affirmation in writing before any person authorized to administer the same, faithfully and honestly to perform all the duties of their offices respectively, and shall, if required so to do by the directors of said corporation, enter into bonds to said corporation in such sum or sums, and with such sureties as said board of directors may from time to time require, conditioned for the faithful performance of the duties of their offices respectively. Powers of directors.

6. *And be it enacted*, That the directors of said corporation shall from time to time have power to make, ordain and establish such by-laws, rules and regulations, as they may deem proper, for the election of officers, for prescribing their duties, for regulating the time and place of meeting of the directors of said corporation, and for the general management and direction of the affairs of said corporation; *provided*, May make by-laws, &c. that such by-laws, rules and regulations shall not be repugnant to the constitution and laws of this state or of the United States; and such by-laws, rules and regulations, shall be printed and put up in some public and conspicuous place in the room where the business of such corporation shall be transacted. Proviso.

7. *And be it enacted*, That said corporation may receive on deposit all sums of money not less in amount than ten cents, which may be offered for the purpose of being invested at such times and upon such terms as the by-laws, rules and regulations of said association shall prescribe, which sums of money so received shall be invested by said corporation, and repaid to the depositors thereof at such times and with such interest as the board of directors may from time to time prescribe; *provided*, that said corporation shall not be required to allow interest on any deposit until it amounts to May receive money on deposit and invest the same. Proviso.



the sum of one dollar, nor to allow interest on fractional parts of one dollar, nor to allow interest for the fractional parts of one month ; *and provided further*, that it shall be the duty of the directors of said corporation to regulate the amount of interest to be paid to the depositors so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund, but no interest or dividend on account of said surplus fund shall be allowed for money which shall have been withdrawn from deposit.

Proviso.  
No officer to receive pay.

Not to issue notes or bills.

8. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or any of the directors of said corporation for their services, nor shall said corporation issue any notes or bills, nor shall any director, officer or agent of said corporation be allowed directly or indirectly to borrow or otherwise obtain any money from said corporation, or to use any of the funds of said corporation, except to pay necessary expenses in conducting the business of said corporation ; nor shall said corporation take or hold any bonds, mortgages or other securities for the payment of money, or any promissory notes or negotiable paper made, drawn, or endorsed by, or existing against any director, officer or agent of said corporation ; and no director or officer of said corporation shall have any interest in, or derive any profit from any of the deposits made with said corporation, except such as may be due for deposits made by such director or officer as a trustee for the benefit of others.

Minors may give acquittance for deposits.

9. *And be it enacted*, That it shall be lawful for said corporation to pay any depositor, being a minor, such sum as may be due to such depositor, not exceeding five hundred dollars, in all cases where no guardian shall have been appointed for such depositor, and the receipt of such minor shall be as valid and effectual in law as if the same had been given by a guardian of such minor duly appointed ; *provided*, such deposit shall have been made by such minor.

Deposits by females not to be controlled by husband.

10. *And be it enacted*, That it shall be lawful for married women to make deposits with said corporation in their own names, and to take any interest or dividend thereon, and to receive and withdraw such deposits, or any part thereof, at pleasure, subject to the by-laws, rules and regulations of said corporation ; and such deposits shall not be subject to the control of the husband of the person making them, nor shall they be liable for his debts ; nor shall moneys deposited by

single women with said corporation be subject, in case of marriage, to the use or control, or liable for the debts of their future husbands.

11. *And be it enacted*, That all certificates of evidence of deposit made under the hand of the proper officers of said corporation, shall be as binding as if the same were made under their common seal. Certificates of deposit binding.

12. *And be it enacted*, That a book shall be kept at the office or place of business of said corporation in which any depositor or depositors shall be at liberty to designate and appoint in writing, under his or her hand, a person or persons to whom, in the event of his or her death, the money standing to his or her credit upon the books of said corporation shall be paid; and if such money be not otherwise disposed of by the last will and testament of the person or persons so making such appointment, the same shall be paid by said corporation, after the death of such person or persons so making such appointment, to the person or persons so appointed, and all payments so made and receipted for by such person or persons so appointed, shall be a full acquittance and discharge of said corporation from any liability therefor. Depositors may appoint person to receive moneys.

13. *And be it enacted*, That all deposits and payments of money shall be regularly entered in the books of said corporation, and every person depositing money shall be furnished a duplicate of his or her account, in which every deposit or payment shall be entered as soon as made. Deposits to be entered.

14. *And be it enacted*, That said corporation shall have power to accept and execute all such trusts of every description as may be committed to it by any person or persons whatever, by will or otherwise, or by the order of any court, and to accept and receive for the execution thereof, such commissions as may be allowed to it by the person or persons, or by the court committing to it the execution of such trust; to receive into its custody and care upon storage, deposit or otherwise, any goods, chattels, choses in action, or personal property of any description for safe keeping, and to collect and pay over to the owner or owners thereof any interest, dividends or profits, arising therefrom, upon such terms and conditions as the directors of said corporation may prescribe. May accept and execute trusts.

15. *And be it enacted*, That said corporation shall invest no money in any public stocks other than such as are created under the laws of the United States nor in any state bonds Investment of deposits.

except bonds of the states of New Jersey, New York, Pennsylvania and Massachusetts, or in the bonds of the several counties of the state of New Jersey, or of the incorporated cities of the state of New Jersey, or of the city of Philadelphia, in the state of Pennsylvania, nor on bonds and mortgage, except upon unincumbered real estate within this state, worth at least double the amount of the sum invested.

Place of business.

16. *And be it enacted*, That the office or place of business of said corporation shall be in the city of Camden, and the books of said corporation shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Act, how construed.

17. *And be it enacted*, That this act shall be deemed to be a public act, and shall be liberally construed for the purpose of carrying into effect the objects of this act, and that no nominator of the corporation, hereby created, in any deed, grant, devise, bequest or other instrument of contract or conveyance, made to or for the benefit of said corporation, shall vitiate or defeat the same, and that this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXX.

An Act to incorporate the Young Men's Christian Association of the State of New Jersey.

Authorized to meet to elect trustees.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That every Young Men's Christian Association entitled to protection in their usages and customs by the constitution and laws of this state, are hereby authorized to assemble in their usual place of public meeting, at any time by them agreed upon, giving at least ten days' notice of the time and purpose of assembling, by advertisement set up in open view, at or near such place of meeting, and when so assembled may, in accordance with the consti-

tution, usages and customs of the said Young Men's Christian Association, elect any number not exceeding seven of the said association to be trustees of the same, which said trustees and their successors in office are hereby constituted a body politic and corporate in law, by whatever name they shall assume, agreeable to the provisions of this act.

May assume  
name and be-  
come a body  
corporate.

2. *And be it enacted*, That whereas, it is represented that according to the constitution, usages and customs of the Young Men's Christian Association, the officers, together with executive committee, or board of managers, or board of directors thereof, as the case may be, for the time being, have the management of the affairs of the said association, and that some of the said associations cannot avail themselves of the preceding section of this act, because it prescribes a mode of electing trustees repugnant to the constitution, usages and customs of said associations; and whereas, the legislature is willing to grant relief in the premises, it is therefore enacted, that the officers, together with the executive committee, or board of managers, or board of directors, or upon whomsoever the management of the affairs of the said associations for the time being devolves, shall be trustees of the same, and a body politic and corporate in law, by such name as said trustees shall assume, agreeable to the provisions of this act.

Trustees de-  
clared to be a  
body corpo-  
rate.

3. *And be it enacted*, That the said trustees, as provided for, both in sections first and second, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be to instantly record the same, for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of the incorporation so taken, certified and recorded.

Certificate of  
name to be  
filed and re-  
corded

4. *And be it enacted*, That the said trustees of any such association, shall by such name, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust, for the use of said associations, to any amount, in value not exceeding ten thousand dollars, to be exempt from all state, county, municipal or township taxes; and the same or any part thereof to sell, grant, assign, demise, alien or dispose of, to sue or be sued, implead or be impleaded, in any court of law or equity.

May purchase,  
hold and con-  
vey lands, &c.

Associations  
may renounce  
their acts of  
incorporation.

5. *And be it enacted*, That whereas, some of the associations which have been heretofore incorporated by charter or otherwise, may see cause to renounce or forego such instrument or act of incorporation, and avail themselves of this law, it is therefore enacted that it shall be lawful for any such association, by whatsoever name incorporated, to renounce or forego such charter or act of incorporation and name, by writing under their hand and seal, and recording as aforesaid, upon condition that the officers and executive committee, or board of managers, or board of directors, as the case may require of such association, shall incorporate themselves pursuant to the directions of this act; and that upon such incorporation and recording of the said writing, their former incorporation and body politic shall cease and be dissolved, and all the estate, real and personal held by virtue of the same, shall pass to and be vested in the body politic and corporate formed agreeable to this act, who shall be deemed to be legal successors in office to the former body politic and corporate, and liable to their debts.

First trustees.

6. *And be it enacted*, That the said trustees shall be the first trustees, and shall continue in office until others shall be duly elected according to the provisions of this act.

7. *And be it enacted*, That this act be deemed a public act, and take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXXI.

An Act to incorporate the Hudson County Catholic Protectory.

Corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Right Reverend James Roosevelt Bayley, D. D., Bishop of the Roman Catholic Diocese of Newark, Reverend L. D. Senex, Reverend A. Caurin, John Halliard and Bryan Smith, be and they are hereby constituted a body politic and corporate, in fact and

in name, by the name of "The Hudson County Catholic Protectors," and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, and may make and have a corporate seal, and the same break and alter at their pleasure; and as such corporation shall have power to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign or otherwise dispose of for the purposes of said corporation.

2. *And be it enacted*, That the entire management of the affairs and concerns of the said corporation, and the corporate powers hereby granted, shall be and hereby are vested in a board of five trustees, a majority of whom shall always be citizens and inhabitants of this state, and a majority of the trustees shall constitute the necessary quorum for the transaction of all business matters connected with said corporation; the persons named in the first section to be the first trustees; the Roman Catholic Bishop of Newark, for the time being, to be also a trustee ex-officio, and the president of the board of trustees.

3. *And be it enacted*, That the trustees shall hold their first meeting at the call of the trustee first named, and shall have power, from time to time, to make and prescribe such by-laws and regulations as to them shall seem needful and proper for the management and direction of the said corporation, and to repeal, alter and amend the same at pleasure; *provided*, such by-laws and regulations shall not be repugnant to this act, or the constitution and laws of this state or of the United States; to fill up vacancies in the board of trustees; to prescribe the number and description of the duties and powers of the officers, the manner of their appointment and the term of their office.

4. *And be it enacted*, That the object of said corporation shall be the support and instruction of orphan, destitute, homeless and abandoned children, to be selected by said corporation under such regulations as the said trustees shall ordain, and to provide a suitable asylum for such children, to be located in the county of Hudson; and for the purpose of better educating such children, they shall be trained to habits of industry, and have the benefit of moral and religious in-



Proviso.

struction; *provided*, that it shall be lawful for the said trustees to receive from the overseers of the poor of the several cities and townships of Hudson county, by and with the consent of the proper authorities of such cities or townships, or from other persons having power in the premises.

Property exempt from tax

5. *And be it enacted*, That the property and effects of the said corporation, held and used for the purposes contemplated by this act, shall be exempt from the imposition of any tax or assessment; *provided, however*, that the number of acres of land to be exempted shall not exceed twenty acres, and the amount of personal property to be so exempted shall not exceed ten thousand dollars.

Proviso.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXXII.

### An Act to incorporate the Shafto Cranberry Company.

Corporators.

Name and powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin C. White, T. G. Chattle, John Buckingham, J. E. Lanning, George D. Alaire, and all such persons as may be hereafter associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate in fact and in law, by the name of "The Shafto Cranberry Company," for the purposes of buying, holding, cultivating and improving lands in the county of Monmouth, and for raising cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof.

2. *And be it enacted*, That the capital stock of said com-

pany shall be ten thousand dollars, with privilege of increasing the same as a majority of the directors may direct, not to exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor, and the subscriptions for stock shall be opened in the village of Eatontown, Monmouth county, at such time as the directors may designate under their directions, or that of such persons as a majority of them shall select.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make such by-laws for the regulation and government of the affairs of said corporation, as they shall deem advisable, and shall hold their meetings at such times and places in the county of Monmouth as the by-laws may provide; and that until an election of directors shall be held, the persons named in the first section of this act shall be directors.

4. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe.

5. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXXIII.

An Act for the relief of the Union Universalist Society of the city of Newark.

WHEREAS, the Universalist Society of the city of Newark was formed on the first day of January, in the year of our

Lord one thousand eight hundred and sixty-two, under the general law concerning religious societies; and whereas, the certificate of said organization, which should have been filed on that day in the office of the clerk of Essex county, was, by some accident, lost or mislaid, and not filed therein according to law; and whereas, the board of trustees of said society, in ignorance of the fact that the said certificate of incorporation was not filed according to law, have performed the usual acts and duties pertaining to their office as such board of trustees; now, therefore,

Official acts of  
trustees de-  
clared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the official acts of said board of trustees, done in pursuance of their said office since said first day of January, in the year of our Lord one thousand eight hundred and sixty-two, which are not in conflict with the constitution or laws of this state or the United States, be and the same are hereby declared and made lawful in the same manner and to the same effect as though said certificate of incorporation had been duly made and filed on the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, in the manner prescribed by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXXIV.

An Act appointing Commissioners in Buttonwood School District, Number Fifty-eight, in the townships of Stoe Creek and Hopewell, in the county of Cumberland, and in the township of Upper Alloways Creek, in the county of Salem, for the purpose of purchasing ground, and erecting a School House thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George B. Davis, Charles B. Bowen and Joshua Seagreaves, residents of Buttonwood

Board of com-  
missioners.

School District, Number Fifty-eight, are hereby appointed, constituted and declared to be a board of commissioners for the purposes and with the powers hereinafter defined and granted.

2. *And be it enacted*, That said commissioners, or a majority of them, are hereby empowered to borrow and expend a sum not exceeding two thousand dollars, for the sole and exclusive purpose of purchasing a suitable plot of land within the limits of Buttonwood School District, Number Fifty-eight, of said townships of Stoe Creek, Hopewell and Upper Alloways Creek, and for erecting thereon a public school building, with the necessary outbuildings; and in order to provide for the repayment of the said sum of two thousand dollars, the said commissioners, or a majority of them, are empowered to direct the assessors of the said townships of Stoe Creek, Hopewell and Upper Alloways Creek, in each of the three years, including the present year and the two years next succeeding, to assess upon the taxable property of the said Buttonwood School District, Number Fifty-eight, a sum equal to one-third of the amount borrowed, with the accrued lawful interest; and the collectors of the aforesaid townships shall pay the money collected on such assessments on the order of the said commissioners, or a majority of them.

May borrow money and erect a school building.

Assessor to assess tax, &c.

3. *And be it enacted*, That the said board of commissioners shall assemble on the second Monday in April next, at two o'clock in the afternoon, and at such times thereafter as they shall deem necessary to carry out the provisions of this act; and at their first meeting they shall organize the board by electing a president and secretary, and a majority of the commissioners shall constitute a quorum for the transaction of business.

Meetings of commissioners.

4. *And be it enacted*, That the powers of the said commissioners shall cease on the second Monday of April, one thousand eight hundred and seventy-five.

When powers to cease.

5. *And be it enacted*, That this act shall take effect immediately.

Passed April 4, 1872.

## CHAPTER DXXV.

A Further Supplement to the entitled "An Act to create from parts of the town of Orange, and the townships of Caldwell and Livingston, in the county of Essex, a new township to be called the township of Fairmount," approved March eleventh, anno domini, one thousand eight hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of West Orange, in the county of Essex, beginning on the ridge of the first mountain at the boundary line dividing the township of West Orange from the township of Montclair; thence running in a southerly direction along said ridge of the first mountain to the southerly side of the Walker road; thence running in an easterly direction along the southerly side of said Walker road to the westerly line of Valley street; thence running in a southerly direction along the westerly side of said Valley street to the southerly side of Tremont avenue; thence running along the southerly line of said Tremont avenue, in an easterly direction, to the boundary line dividing the township of West Orange from the town of Orange; thence running northerly along the said boundary line dividing the said township of West Orange from the town of Orange, to the dividing line between the township of West Orange with the township of Montclair; thence running in a westerly direction along said line dividing the township of West Orange from the township of Montclair, to the ridge of the first mountain, in the township of West Orange, and point of beginning, shall be divided into one or more police districts by the township committee, as they shall deem proper; it shall be the duty of the township committee to provide a suitable lockup for temporary detention of offenders, and the expenses and cost of maintaining said lockup and of the marshal, policemen and other officers and agents as so hereinafter provided for in the sixth section of this act, shall be assessed upon the lands and real estate and taxable property within the limits above described.

Boundaries.

Township committee may divide into police districts, &c.

2. *And be it enacted*, That the governor of this state shall from time to time appoint some fit and discreet person to be the police justice of the said township, who shall hold his office for the like term, and be commissioned in the like manner, and be entitled to the like fees for like services as justices of the peace in and for the several counties of this state, and who shall be amenable in like manner to the senate and general assembly of this state; but that said police justice shall not by virtue of his office be authorized to hear and try any civil actions except such as may be brought to recover a penalty under an ordinance of the township, in which case he may act as a justice of the peace in his civil capacity, and that the township committee may pay him such compensation in addition to the said fees as they shall think proper.

Governor to  
appoint and  
commission  
police justice.

3. *And be it enacted*, That the said police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in said township as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise.

Power of po-  
lice justice.

4. *And be it enacted*, That unless herein otherwise directed, all actions or proceedings before the said police justice shall, or nearly as may, be regulated by the provisions of, and conducted in the manner prescribed by the act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto; and that the court so held by said police justice shall be a court of record, and be vested for the purposes mentioned in this act, with all such power as is usual in courts of record in this state, including the power to award and issue writs of subpoena ad testificandum into any county of the state; *provided*, that no trial by jury shall be had, nor any appeal to the court of common pleas be allowed except in those cases where the penalty sued for shall exceed the sum of twenty dollars.

Actions, &c.,  
before police  
justice, how  
conducted and  
regulated.

Proviso.

5. *And be it enacted*, That any penalty or penalties which may be ordained by the township committee for the violation of any ordinance may be enforced or collected, together with all costs of suit and execution, in an action of debt, to be brought before the police justice in his said court, in the name of "The Inhabitants of the Township of West Orange," (and in the case of a fine) for the use of said town; and that in such action, the first process may be either a warrant or a summons, but that a warrant shall not be issued unless upon

Penalties for  
violation of or-  
dinances, how  
and by whom  
collected.



oath or affirmation, made and filed before said police justice, and establishing to his satisfaction by one or more particulars mentioned therein, that such warrant is necessary to secure the due enforcement of the ordinance against the person or persons complained of; that in such action it shall be lawful to declare generally in debt, and to give the special matter in evidence; and to amend the state of demand in all particulars, and that on the return of process, or at the time to which the said police justice shall have adjourned the trial of the cause, he shall proceed to hear the testimony, and to determine the matter complained of, and to give judgment therein: and that if such judgment shall be given against the defendant or defendants, the said justice shall forthwith issue execution thereupon, either against the goods and chattels, or against the person of the defendant or defendants for the amount of the fine imposed and the costs of suit and execution, or by warrant of commitment, directed to the keeper of the common jail of said county of Essex, and commanding him to receive and safely keep the said defendant or defendants, for the term of his, her or their imprisonment; and that it shall be the duty of such keeper to whom such warrant shall be delivered, to receive and keep such defendant or defendants as so directed and commanded, until the time of such imprisonment shall have expired; *provided*, that in case a warrant shall be issued, it may in the discretion of the police justice be made returnable forthwith, so as to receive a summary hearing and determination of the matter complained of.

Proviso.

Township committee may appoint marshal and policemen.

6. *And be it enacted*, That the township committee shall, at their discretion, and from time to time, appoint and remove a town marshal and as many policemen and other officers and agents as they shall think necessary for the governing of the township, and the carrying into effect of the powers and duties imposed upon them by this act; and that every person so appointed shall be a resident and legal voter of the said township, and shall continue in his office until the same shall be declared vacant, or until another person shall be appointed to succeed him therein, and shall enter upon the duties thereof: and that they shall be entitled to such compensation for their services as may be from time to time fixed and determined by the township committee.

Powers of marshal and policemen.

7. *And be it enacted*, That the marshal and policemen to be appointed by the township committee shall, in addition to

the authority conferred upon them by the ordinances of the township committee, possess and have all the powers of constables within the township limits, for the purpose of preserving the peace and enforcing the ordinances of the town; and that they are hereby severally empowered to make arrests, either with or without warrant, for the violation of any such ordinance, and to detain the offender or offenders in the township lock-up or in the common jail of the county of Essex, or elsewhere, until he, she or they can be conveniently taken before the police justice, who is hereby authorized to hear and determine the complaint summarily.

8. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, judgment or other proceeding to be had or made by the said police justice, by virtue hereof, unless the party applying for such certiorari shall enter into bond to "The Inhabitants of the Township of West Orange," in the sum of one hundred and fifty dollars, with one or more good and sufficient surety or sureties, conditioned that such applicant shall prosecute the said certiorari, and shall pay the penalty recovered before the said police justice, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the higher courts in the matter; which said bond shall be tendered to the justice granting said certiorari, to be by him filed with the clerk of the said court for the benefit of the said "The Inhabitants of the Township equally of West Orange," and that it shall be lawful for the said police justice to charge and receive, before delivering his return to the said writ of certiorari, the sum of ten cents per folio for said return, the same to be paid by the person delivering to him the said writ; and the township committee of said township of West Orange shall divide the public printing and advertising of said township between the Orange Chronicle and the Orange Journal, printed in the town of Orange; and all acts inconsistent with the provisions of this section of this act, be and the same are hereby repealed.

Parties applying for writ of certiorari to enter into bond.

Fees of justice for making return.

Public printing.

9. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Repealer.

Passed April 4, 1872.

## CHAPTER DXXVI.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March the fourth, one thousand eight hundred and sixty-three, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be a department of the city government of the city of Elizabeth, to be called the department of finance, which shall have control of all the financial concerns of the said city, and shall manage the same in the manner required by the charter of the city and the various acts amending the same, by the laws of this state, and by the ordinances and resolutions of the city council, not inconsistent with this act; all accounts rendered to or kept by all officers of the city government shall be subject to the inspection of said department, and the comptroller shall have power to make or cause to be made copies or transcripts of all said accounts.

Comptroller,  
appointment  
and term of  
office.

2. *And be it enacted*, That the chief officer of said department shall be called the comptroller of the city of Elizabeth, who shall be a resident elector of and freeholder in said city, and shall be appointed by the mayor elected for said city, and not by an acting mayor, by and with the advice and consent of the city council; and the said comptroller shall hold his office for the term of three years, from the first day of January next preceding his appointment, and until his successor is duly appointed and qualified; and he shall, before entering upon the duties of his office, take the oath required by the act to which this is a supplement, and execute to the city of Elizabeth a bond or duplicate in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office, with at least two sufficient sureties, who shall be residents of and freeholders in said city, and who shall together justify in double the amount of the bond, which bond shall be approved by the mayor of the city, one to be filed with the said mayor and the other in the office of the city clerk.

To give bond.

3. *And be it enacted*, That the comptroller shall perform Duties of the comptroller. all the duties concerning the collection of the assessments for public improvements, and the sale of lands and real estate for the same, where default of payment has been or may be hereafter made, and also concerning the collection of all other claims due the city; but he shall not receive the money for such assessments or other claims due the city, which money shall in all cases be paid to the city treasurer in the manner hereinafter provided; the said comptroller shall keep, in proper books to be provided for that purpose and kept in his office, separate accounts with and for each assessment, object or matter for or on account of which money is or shall become due and payable to the city, and when payments are made to the city treasurer, as hereinafter provided, he shall credit the respective accounts with the amounts so paid; he shall, at the end of each month, publish once in two newspapers of the city of Elizabeth, a statement of the total amount of money paid to the city treasurer, and on what accounts the same has been paid; he shall make out, on the first Monday in each month, a list of the assessments for public improvements falling due in the current and succeeding month, with the names of the parties owing the same, and shall report the same to the first meeting of the city council in said month, and cause the said report to be published as aforesaid.

4. *And be it enacted*, That the comptroller shall draw and To draw and countersign all warrants. countersign all warrants on the city treasurer for all moneys to be drawn from the treasury, which shall have been previously ordered, according to law, and present the same, with the vouchers, to the mayor to be signed by him, which warrants shall contain a distinct reference to the appropriation or fund under or upon which and the purpose for which it is drawn; but no such warrant shall be drawn unless the sum specified therein is embraced in an appropriation or fund previously made or authorized and provided by the city council, and no warrant shall be drawn for or on account of any appropriation or object unless the sum specified therein is in the city treasury, and has been collected or paid into the treasury specifically for that purpose; and no money which shall have been collected, or in any manner realized for or on account of any street improvement, shall be drawn from or paid out of the city treasury for any other purpose.

5. *And be it enacted*, That the comptroller shall audit all accounts and claims in which the city of Elizabeth is con-

To audit all  
accounts and  
claims.

cerned, either as debtor or creditor, before the same shall be presented to or acted upon by the city council, and shall transmit the same to the city council, with his approval or disapproval endorsed thereon, at the next meeting of the council thereafter, and if disapproved, he shall send to the city council his reasons therefor in writing; he shall keep full and accurate accounts of all matters appertaining to the said department of finance, and submit to the city council for their examination, once a month, a full and detailed statement of the accounts of the said department, and shall publish the same once in two newspapers of the said city; he shall compare the quarterly and other accounts of the city treasurer with the vouchers relating to the same and with the books of his department, and report those accounts, with such information in respect thereto as may be proper, to the city council at its next regular meeting; he shall report forthwith to the city council every case in which an appropriation is exhausted, the object of which is not completed, and accompanying such report with a statement of the moneys which have been drawn on such appropriation, the particular purpose for which they were drawn, and the cause of the deficiency, and an estimate of the amount that will be necessary to complete the object of the appropriation; he shall report to the city council, within thirty days after their organization, in each year, a statement of all contracts made by the city of Elizabeth, or directed or authorized by the city council, and not performed or completed, or upon which any money remains unpaid, with the amount of money so remaining unpaid on each; he shall submit on or before the tenth day of March in each year, to the mayor, who shall transmit, with his approval or disapproval, to the city council on or before the first day of April in each year, a detailed estimate of the receipts and expenditures for the year, commencing on the first day of January preceding, in order that the annual appropriations may then be made, and also an estimate of the probable amount of tax that may be required for the year commencing on the first day of January preceding.

Make report  
to council.

Statement of  
contracts not  
performed or  
completed.

Statement of  
receipts and  
expenditures.

Comptroller  
to sell all  
bonds, &c.

6. *And be it enacted*, That the comptroller, under the direction of the commissioners of the sinking fund of said city, shall sell and dispose of all bonds of said city which shall hereafter be sold or disposed of for any purpose, and in all cases, before selling or disposing of any of said bonds, the comptroller shall advertise for ten days before the opening of

the bids, in two newspapers of the said city and two newspapers in the city of New York and elsewhere, if he deems proper, for sealed proposals for the purchase of the same, which proposals shall be opened by the comptroller in the presence of the said commissioners, or a majority of them, and previous notice, in writing, of the time and place of opening said proposals shall be given to all of said commissioners, in such manner as they shall provide, and in all cases said bonds shall be sold for the highest price that can be obtained for the same; and said commissioners shall have power to reject all bids if, in their judgment, it is for the interest of said city.

7. *And be it enacted*, That the comptroller may, from time to time, with the approval of the city council, borrow on the credit of the corporation, in anticipation of its taxes, such sum or sums, not exceeding in the whole the amount of such taxes, as may be necessary to meet expenditures under appropriations made for the current year; every such loan shall be secured by certificates of indebtedness of the city of Elizabeth, payable in not exceeding one year, in such sums as the comptroller may deem proper; *provided*, all bonds and certificates of indebtedness of said city, hereafter issued, shall be countersigned by the comptroller and signed by the mayor and sealed with the corporate seal.

May borrow money with the approval of council.

Proviso.

8. *And be it enacted*, That the comptroller shall receive a salary of four thousand dollars per annum, payable quarterly, as full compensation, except as hereinafter provided, for all services required to be performed by him by or under this act, which salary shall be provided for in the annual appropriations by the city council; and until an annual appropriation for that purpose shall be made, after the passage of this act, said salary shall be paid out of the contingent fund of said city, and said salary shall be paid by the city treasurer when due; he shall devote his whole time to the duties of his office, and shall not hold any other public office whatever in said city or elsewhere; he may, with the concurrence of the commissioners of the sinking fund, employ such clerical help as shall be necessary to enable him to properly perform the duties of his office, whose compensation shall be determined by the said commissioners, and shall be provided for and paid in the same manner, as is herein provided in respect to the salary of the comptroller; the city council shall provide the comptroller with suitable offices in

Compensation of comptroller

May employ clerical help.



the city hall, and with proper desks, books, safes, fuel and other articles necessary to the performance of his duties, to be paid for in the manner herein provided in respect to his salary.

Vacancy, how filled.

9. *And be it enacted*, That if the comptroller shall become disqualified from performing the duties of his office, or shall remove his office from said city, or resign his office, the mayor, and not the acting mayor, by and with the advice and consent of the city council, shall appoint a suitable person to perform the duties during the residue of the official term, and who, before entering upon the duties of said office, shall qualify and give the same security as is required to be given by the comptroller; the comptroller may be removed for cause, on written charges to be served upon him, requiring him to appear before the city council, and answer the same, and he shall be heard before the council in person or by attorney, and testimony shall be given in relation to or in rebuttal of the charges, on the same general principles as in a court of law; the mayor shall preside on such trial; a three-fourths vote of all the members of the city council shall be required to effect his removal; the mayor shall not have the right to vote on such trial except in case of a tie.

Removal, how made.

Comptroller to perform duties of receiver of public revenue.

10. *And be it enacted*, That the comptroller shall keep the tax books of the city of Elizabeth in his office, and do and perform all things concerning the collection of taxes that the present receiver of public revenue is required by law and the ordinances of the city to perform, and be liable to all the penalties which the present receiver of the public revenue is liable to before the passage of this act, except that the comptroller shall not receive the money due for taxes, which money shall, in all cases, be paid to the city treasurer, in the same manner as other moneys are required by this act to be paid; *provided however*, that this section of this act shall not go into effect until the term of office of the present receiver of public revenue expires, to wit: on the first day of April, eighteen hundred and seventy-three, on which day the said office of receiver of public revenue shall be and is hereby abolished, and the said receiver of public revenue shall thereupon deliver to the comptroller all the books and papers appertaining to his office.

Proviso.

Tax payer to have a detailed statement of his indebtedness.

11. *And be it enacted*, That whenever assessments are hereafter paid, and whenever taxes are paid after the first day of April, eighteen hundred and seventy-three, the mode

shall be as follows, to wit: the comptroller shall give to the property owner or tax payer, on demand, a detailed statement of the indebtedness of such party to the city, whether for taxes or assessments, reference being had in such statement to the particular lot or lots of land, on what street or avenue the same is located, by certain ward, block and line numbers, to correspond with the same line, block and ward numbers designating such lot or lots on the books and maps in said comptroller's office, wherever the same can be so done, which statement shall be in duplicate, if requested by the property owner or tax payer, and thereupon the property owner or tax payer shall pay the amount found to be due to the treasurer of the city of Elizabeth, who shall give his receipt therefor on said statement, in duplicate, if requested, and on the presentation to the comptroller of the receipts of the city treasurer for such payments, the comptroller shall forthwith credit the parties so paying on the tax books, or assessment books, or assessment bonds, as the case may be, and shall also countersign the treasurer's receipt, and he shall, at the same time, charge the treasurer with the amount so paid; and all other moneys payable into the treasury shall be paid in after this form; and in case the comptroller shall advertise for sale lands which have become forfeited for the non-payment of assessments, or for the nonpayment of taxes, after the duties of the receiver of public revenue have been devolved upon him, under the provisions of the tenth section of this act, it shall be the duty of the city treasurer to attend all such sales and receive the money bid and paid for the property there sold, which sums shall also be charged by the comptroller to the city treasurer, and reported in his regular monthly report to the city council.

Moneys paid  
into the treasury.

12. *And be it enacted*, That the treasurer of the city of Elizabeth, from and after the first day of January, eighteen hundred and seventy-three, shall keep his office in the city hall, in a room to be set apart to him for that purpose, to be furnished with proper desks, books, safes and other articles necessary to the performance of his duties, the expense of which shall be provided for in the annual appropriations by the city council, and he shall receive and receipt for and safely keep all moneys payable into the city treasury, and he shall also receive and receipt for all moneys set apart for the sinking fund, setting out distinctly, in each receipt, on what account the payment is made; and it shall be his duty

Duties and  
powers of the  
treasurer.

to enter daily to the credit of the sinking fund commissioners, all moneys received during the day that properly belong to the sinking fund, and deposit the same in such bank or banks within the said city as the commissioners of the sinking fund shall designate; and the said city treasurer shall employ such clerical help as he shall require, by and with the approval of the commissioners of the sinking fund, who shall fix the compensation therefor, to be provided and paid in the same manner as is provided and paid in respect to the salary of the comptroller.

May employ  
help, &c.

Treasurer not  
to pay money  
except on  
warrant.

13. *And be it enacted*, That the city treasurer shall pay no money out of the city treasury, except for state and county taxes, unless on a warrant drawn and countersigned by the comptroller and signed by the mayor, and containing a distinct reference to the particular appropriation or fund and object under or upon and for which it is drawn; he shall keep, in proper books to be provided for that purpose and kept in his office, separate accounts with and for each object or matter for or on account of which money shall be paid into the city treasury; he shall pay no warrant, unless sufficient money to pay the same is in the city treasury, to the credit of the particular appropriation or fund or object referred to in said warrant; he shall report to the city council, at its first meeting in each and every month, the general balance remaining in the city treasury and the balances remaining to the credit of each appropriation; he shall make his annual report to the city council at its first meeting in January of each year.

Appointment  
of commis-  
sioners of  
sinking fund.

14. *And be it enacted*, That the mayor and comptroller for the time being, and three resident freeholders of the said city, holding no office under the city government, who shall be appointed by the mayor, and not by an acting mayor of said city, by and with the advice and consent of the city council, shall constitute and be denominated "The Commissioners of the Sinking Fund of the City of Elizabeth and the Department of Finance;" and the said three commissioners so first appointed shall hold their office for one, two and three years, respectively, to be designated by the mayor in making their nomination, or until their successors are appointed and qualified; and at the expiration of the term of office for which each of said three commissioners shall be appointed, successors shall thereafter be appointed in the same manner, to hold office for three years or until their

Term of office.

successors shall be appointed and qualified; any three or more of the said commissioners, of whom the comptroller shall be one, shall be and are hereby authorized to discharge the trusts and duties vested in said commissioners by this act; said commissioners shall serve without compensation, and may employ such clerical help as they shall require, whose compensation shall be fixed by them and provided for and paid in the same manner as herein provided in respect to the salary of the comptroller; should a vacancy occur in the board of commissioners of the sinking fund, then and in such case such vacancy shall be filled in the same manner as prescribed in the ninth section of this act, and said commissioners, or either of them, may be removed in the same manner as is provided for the removal of the comptroller.

Vacancy, how filled.

15. *And be it enacted*, That the said commissioners shall, from time to time, invest the moneys which shall constitute the sinking fund for the redemption of the city debt, and which shall include all moneys collected or paid in for assessments for any street or other improvements, for or on account of which the bonds of the said city shall have been issued, or as much thereof as they can, in the purchase of the bonds issued by the corporation of the city of Elizabeth, at the market price, not exceeding the par value thereof; and if, at any time, such investments cannot be made at par, then the said commissioners shall be authorized to invest such moneys, or such part thereof as they may deem fit, either in the purchase of the bonds of said city or the bonds of the state of New Jersey, or of any county therein, or in the bonds of the United States, notwithstanding such bonds may be above the par value thereof; whenever the said commissioners shall have invested any part of said funds in the bonds of this state, or of any county therein, or in the bonds of the United States, and shall thereafter be able to invest said bonds, or the proceeds thereof, in the bonds of said city, in such a manner as to be, in their opinion, beneficial to the public interest, they may forthwith sell and dispose of the same, and invest the same, or the net proceeds thereof, in the bonds of said city; whenever the said commissioners shall have invested any part of said funds in the purchase of the bonds of said city, and shall, at any time thereafter, be enabled to purchase any of the said city bonds, which shall be, by their terms, payable at an earlier day, they may sell the same, and invest the proceeds in such other city bonds,

Commissioners to invest moneys, &c.

May invest,  
temporarily,  
unemployed  
moneys.

if, in their opinion, such exchange shall be beneficial to the public interest; the city bonds which shall be purchased by the commissioners shall not be cancelled by them until they shall be, by their terms, due and payable, and all interest thereon shall regularly be carried to the said sinking fund, for the redemption of the city debt; all bonds and securities which shall be purchased by the said commissioners shall be duly recorded by proper description, in proper books, to be provided for that purpose, and shall be held by the said commissioners; and all transfers thereof, when disposed of pursuant to the provisions of this act, shall be made by the said commissioners, or any three of them, of whom the comptroller shall be one; the said commissioners are authorized to invest, temporarily, the unemployed moneys belonging to the sinking fund, in the bonds and certificates of indebtedness of the city of Elizabeth, or they may loan the same, payable upon demand, secured by collaterals of bonds of the United States, of the state of New Jersey, of the county of Union, or of the city of Elizabeth, at not over seventy-five per cent. of their market value; and whenever the unemployed moneys belonging to said sinking fund shall amount to five thousand dollars, the said commissioners shall be authorized to invest the same in one of the ways above enumerated, and when invested, payable upon demand, said margin of twenty five per cent. shall be kept good.

Treasurer to  
pay over to  
commission-  
ers all moneys  
in his hands  
realized from  
assessments  
for city im-  
provements

16. *And be it enacted*, That it shall be the duty of the treasurer of the city of Elizabeth to transfer and pay over to the said commissioners, within thirty days after the organization of the commissioners of the sinking fund, all the moneys at that time in his custody, realized from assessments for city improvements, and all other moneys in his custody belonging to the sinking fund of said city, and he shall thereupon receive from said commissioners a voucher in duplicate for such payment, to be signed by three or more of said commissioners, one of whom shall be the comptroller, and one of the said vouchers shall be filed in his office, and the other in the office of the city clerk, and all such moneys shall constitute a part of the sinking fund of said city, and the said commissioners shall redeem and pay the bonds of the said city, as the same become due, out of any moneys in their custody belonging to the sinking fund of said city, and the said commissioners shall pay the interest on the bonds of

the said city, as the same becomes due and payable, out of the same moneys.

17. *And be it enacted*, That all bonds which have heretofore been given to said city, or to any officer or officers of said city, for or on account of any assessments for any street or other city improvement remaining unpaid, shall within thirty days after the organization of the commissioners of the sinking fund, be transferred by the officer having charge of the same, to the said commissioners, and shall constitute a part of the sinking fund of said city, and all bonds which shall hereafter be given for, or on account of any assessment for any street or other improvement in said city, shall be taken by the comptroller, and such bonds, together with all moneys, which shall be collected or paid for, or on account of any assessment for any street or other improvement in said city, shall constitute a part of the sinking fund, and shall be delivered and paid over to the said commissioners; all moneys belonging to the said sinking fund of said city of Elizabeth, shall be deposited in such place or places, bank or banks, within said city, as may be designated by the said commissioners, and shall be regarded as in their custody, and shall be withdrawn, only upon the warrant of three of such commissioners of whom the comptroller shall be one.

18. *And be it enacted*, That it shall be the duty of the comptroller to keep a full and correct record of the proceedings of the said commissioners, to be verified by any three of them, himself being one; and at least once in each year, and oftener, if required by the city council, to render unto the city council a full and detailed report of the proceedings of the said commissioners, and the condition of the sinking fund of said city; and the comptroller shall publish an abstract of the condition of the sinking fund on the first Monday of each month, once in two newspapers of said city.

19. *And be it enacted*, That no bonds issued by the said corporation for street improvements, and no moneys or funds received, or in any manner realized, from or on the sale of any such bonds, shall be used, applied or appropriated, to any purpose other than street improvements; the comptroller shall keep an account of all such moneys and funds, separate and distinct from all other accounts kept by him, and from all other moneys or funds in his custody; no moneys collected or paid into the sinking fund of said city, for or on account of any assessments for any street improvements, or for or on account of any bond or bonds given by any person, for or on

Bonds given to city for assessments to constitute part of sinking fund.

Moneys to be deposited in bank.

Record and proceedings of commissioners to be kept.

Money received for bonds issued for street improvements, how appropriated.



account of any such assessment, shall be used, applied or appropriated for any purpose other than the redemption of bonds issued by said corporation for street improvements, except for temporary investment, as provided in the fifteenth section of this act.

Amendment.

20. *And be it enacted*, That section twenty-nine of an act entitled "An act to revise and amend the charter of the city of Elizabeth," approved March the fourth, eighteen hundred and sixty-three, be and hereby is amended by inserting after the words, "members of the city council," the following words: "but in case any ordinance or resolution involves the expenditure of money, the vote of three fourths of all the members of the city council shall be necessary to its passage," and by adding at the end of the section, the following words: "no additional allowance beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be passed by the city council, except by the unanimous vote of all the members thereof, upon a vote taken by yeas and nays, and recorded in its proceedings;" the said city council shall not increase or diminish the salary or compensation of any officer of the said city of Elizabeth, at any time after the election or appointment, or during the official term for which he shall have been or shall be elected or appointed.

Amendment.

21. *And be it enacted*, That section thirty of said last mentioned act be and is hereby amended by striking out all after the words "shall be published," and inserting instead thereof the following: "immediately after the adjournment of the meeting, at which the same shall have been passed, in the newspapers in which the proceedings of the city council are required to be published, with the yeas and nays, and with the names of the persons voting for and against the same, as a part of the proceedings."

Amendment.

22. *And be it enacted*, That all the books and accounts kept by the city comptroller, city treasurer, receiver of public revenue, and commissioners of the sinking fund, shall be and are hereby declared to be public records, and open to inspection by taxpayers and property owners in said city at all business hours.

Books, &c., declared public records.

23. *And be it enacted*, That it shall be the duty of the comptroller and receiver of public revenue, respectively, on the payment of the fees hereby authorized, to give to any person requiring the same, a certificate as to the liability of

Comptroller to give certificate of payment of unpaid taxes and assessments.

any real estate in said city, for unpaid taxes or assessments, as shown by any records in their respective possession and office, and such certificate in the hands of a bona fide purchaser, or mortgagee of such real estate, shall, unless a mistake has occurred in the name of the owner, or from a misdescription of the property, relieve and discharge such real estate from any tax or assessment, except such as is therein stated to be unpaid; *provided*, that such comptroller and receiver of public revenue shall be respectively responsible to said city, for any loss occasioned by any erroneous entry, or certificate made or given by him, and they may respectively demand and receive the sum of fifty cents for each certificate so made.

24. *And be it enacted*, That this act shall take effect immediately, and be deemed and taken to be a public act, and that all acts and parts of acts, and all ordinances of the city of Elizabeth, inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

Passed April 4, 1872.

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## CHAPTER DXXVII.

An Act to revise and amend the charter of the village of  
South Orange, in the county of Essex.

### TITLE FIRST.

#### OF BOUNDARIES AND GENERAL RIGHTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Essex contained within the boundary lines of the village of South Orange, as now established by law, shall continue to be a village by the name of "The Village of South Orange;" and that all the inhabitants of this state residing within such limits, and their successors, are hereby constituted and continued a body politic and corporate, in fact and in law, by Corporate  
name and  
powers.

the name of "The Village of South Orange," and by that name shall and may have perpetual succession, and shall and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of suits and actions whatsoever; and shall and may have a common seal, and alter the same at pleasure; and also, shall and may, by their corporate name aforesaid, be capable in law of purchasing, holding and conveying any estate, real or personal, for the public use of the corporation, and shall, also, by virtue of this act, continue to be absolutely vested with, and shall possess and enjoy, all the lands, tenements, hereditaments, property, rights, and causes of action, in possession, reversion or remainder, of every kind and description whatsoever, which are now vested in or belong to the said inhabitants, under and by their present corporate name.

## TITLE SECOND.

### ELECTION AND APPOINTMENT OF VILLAGE OFFICERS.

Election.

2. *And be it enacted*, That an election for village officers shall be held annually, on the second Monday of April in each year; and that the same shall be held at some place in said village, to be designated by the board of trustees, and to be advertised by the village clerk for at least ten days previous thereto, by notices put up in at least five of the most public places in said village, and shall be conducted by the village clerk and two judges of election, but otherwise in the same manner, and subject to the same rules, as elections which may be hereafter held in the township of South Orange for members of the legislature of this state; and that the expenses of such election shall be audited and paid by said board of trustees.

Officers.

3. *And be it enacted*, That at such election, there shall be elected by the legal voters of said village, by ballot, and by a plurality of votes, a president of the village, and six trustees, who shall, together, constitute and be known by the name of the board of trustees of said village, and two judges of election; *provided*, that all the present officers of said village shall continue in office until their terms of office shall

Proviso.

expire, and until others shall be elected or appointed in their stead.

4. *And be it enacted*, That the president and trustees shall not receive any compensation or emoluments for their services, whether directly or indirectly, and before the president or any trustee shall enter upon the duties of his office, he shall subscribe an oath or affirmation before some person authorized to administer the same, that he will execute the duties of his office to the best of his ability, which oath shall be filed in the office of the village clerk; and in case a vacancy shall occur in the office of president or trustee, by reason of neglect or refusal to serve, removal from the village limits, or any other cause, the trustees shall elect, by a majority vote of their whole number, some person to fill the said vacancy; and in case two or more vacancies in the office of president or trustees shall exist at the same time, a special election shall be ordered by the trustees for the purpose of filling the same; which special election shall be advertised and conducted in the same manner as the annual elections.

President of trustees not to receive compensation.

Vacancies, how filled.

5. *And be it enacted*, That at the close of any such annual or special election, the officers holding the same shall proceed, without delay, to count the votes cast for the several candidates voted for in said election, and shall make out, under their hands, a certificate of the result, and shall, within three days after such election, deliver said certificate unto the village clerk; and that, at the annual meeting of the board of trustees (which annual meeting is to be held on the third Monday of April), the said certificate is to be laid before said board of trustees, and that they shall, either then or at their next meeting, proceed, in a public manner, to canvass the number of votes given for the said several candidates; and that said board of trustees shall be the final judges in said canvass, and shall ascertain and determine, by a majority of their whole number, without any appeal from their decision, which of the said candidates shall have been elected to fill such office or offices; and that in case of an equal number of votes having been given for two or more candidates for the same office, the said board of trustees shall, by ballot, and by a majority of their whole number, elect one of the said candidates to fill said office; and that the result of such canvass or election shall, within five days thereafter, be entered upon the record of the proceedings of said board of trustees, and also be certified, under the hands of the president and village

Certificate of result of election to be filed

Board of trustees to canvass votes.

clerk, to the clerk of the court of common pleas of said county for preservation in the files of his office.

Trustees may  
appoint vil-  
lage officers.

6. *And be it enacted*, That the board of trustees shall, at their discretion, and from time to time, appoint and remove a village clerk, a village treasurer, a village counsel, a marshal, a pound-keeper, an overseer of the highways, five commissioners of assessments (which commissioners shall constitute and be known as "The Board of Assessments"), and as many constables and other officers or agents as they shall think necessary for the carrying into effect of the powers and duties imposed by this act; and that every person so appointed (except the village counsel) shall be a resident and legal voter of the village, and shall continue in his office until he shall be removed, or until another person shall be appointed to succeed him and shall enter upon the duties of his said office; and that all such officers so appointed shall, besides the powers and duties herein or by any ordinance of said board of trustees specifically conferred or imposed upon them, respectively possess the powers and perform the duties of the like officers of any township of this state, and shall be entitled to receive such compensation, in addition to the fees allowed such like officers by any general law or laws of said state, as may be, from time to time, determined by said board of trustees.

Powers, &c.

Clerk.

7. *And be it enacted*, That the village clerk shall, before entering upon the duties of his office, take and subscribe before some justice of the peace (who is hereby authorized to administer the same) the same oath or affirmation that is by law required of clerks of townships; that the village treasurer and the commissioners of assessments shall, in like manner, take and subscribe an oath or affirmation that they, and each of them, will faithfully, honestly and impartially perform the duties of their respective offices; that the constables shall, in like manner, take and subscribe the same oath or affirmation that is now required of like officers by the general law of this state; and that said treasurer and constables, as well as all other officers or agents of whom it may be at any time required by the board of trustees shall, before entering upon the duties of their respective offices, severally make and execute their bonds to "The Village of South Orange," for the true and faithful performance of their said duties, in such forms and for such sums, and with such sufficient freehold securities as the said board of trustees shall direct and require; and

Treasurer.

Constables.

Officers to give  
bonds.

that in the case of constables such bonds shall conform as closely as may be to the form prescribed in the first section of the act entitled "An Act respecting constables;" and that all such oaths or affirmations, and such bonds after having been approved by the board of trustees, shall be filed in the office of the village clerk, and may be sued upon and prosecuted in the same manner, or as nearly so as circumstances will admit, as the bonds of like officers are or may be under any other law or laws of this state.

8. *And be it enacted*, That if any person so elected or appointed to any such office, shall not qualify as aforesaid, within ten days after said canvass of such election or after said appointment by the board of trustees, his office shall be deemed and taken to be vacant. Persons elected failing to qualify office deemed vacant.

### TITLE THIRD.

#### GENERAL POWERS, DUTIES AND COMPENSATION OF VILLAGE OFFICERS.

##### I. *The Village President.*

9. *And be it enacted*, That the village president shall be the chief executive officer of the village; that he shall, when present, preside at all meetings of the board of trustees, and in case of a tie, shall have a casting vote in their proceedings; that he shall call special meetings of the board of trustees at any time, either of his own suggestion, or upon the written request of any three trustees; that he shall grant all such licenses as shall be authorized by the board of trustees; that he shall sign all declarations of the sale of lands and real estate for unpaid assessments, all warrants for the withdrawal of moneys from the village treasurer, and all notes, bonds or obligations to be given for the payment of money by the village; that he shall, in cases of emergency, be at liberty to appoint special constables for temporary service, which special constables, during the time of such service, shall have all the powers and perform all the duties of constables of this state, and shall receive such compensation as may be determined by the board of trustees; that he is hereby invested with all the powers that the police justice of the village is hereby or may be hereafter invested with, and is hereby authorized, on witnessing any breach of the Village president, powers and duties. Special constables may be appointed.



and regulate the planting, rearing, trimming and preserving of shade trees in the same, and to authorize or to prohibit the removal or destruction of said trees; to enforce the removal of snow, ice or dirt from the sidewalks and gutters of said streets or highways, by the owners or occupants of the premises fronting thereon; and also to forbid and prevent the removal of earth, gravel or any other road-making material from any street or highway, without the consent of the overseer of the highways;

To widen curb  
&c.

VII. To widen, straighten, level, grade or re grade, flag or re flag, curb or re-curb, pave or re pave, the sidewalks and gutters in any street or highway, or any part or parts thereof; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed upon the owner or owners of lands and real estate on the line of said street or highway, and to be collected in the same way as assessments for laying out and opening streets;

To adopt a  
plan of sewer-  
age and drain-  
age.

VIII. To make and adopt a general plan of sewerage and drainage for the village, or any part or parts thereof; and to modify and change the same at pleasure, making compensation to the owner or owners of land and real estate taken therefor, or damaged thereby, and assessing such damages as well as the expense of making such improvement upon the property benefited thereby, in the same manner as in the case of laying out and opening streets;

To prevent  
erections of  
stoops, &c

IX. To prevent or regulate the erection or maintenance of any awning, stoop, steps, platform, bay window, swinging gate, cellar door, area, descent into a cellar or basement, sign, banner, post, or erection or projection of any kind, in, over or upon any street or highway, or public place; and to remove the same, when already erected, at the expense of the owner or occupant of the premises in front of which the same may be;

Vice and im-  
morality.

X. To prevent vice and immorality; to preserve public peace and good order; to prevent, disperse and quell crowds, riots, disturbances and disorderly assemblages;

Gaming  
houses.

XI. To restrain and suppress disorderly and gaming houses, and houses of ill fame, as well as all instruments and devices used for gaming; and to prohibit and prevent all gaming and fraudulent devices of every kind;

License beer  
saloons.

XII. To license and regulate restaurants, victualing houses or cellars, ale and lager bier saloons and gardens, billiard

tables and bowling alleys ; and to regulate the hours of opening and closing the same ;

XIII. To prohibit, restrain, regulate and license all sports, Circuses, &c. games, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions of any kind whatever.

XIV. To prevent and punish immoderate driving or riding Fast driving. in any street or highway, driving over or upon any sidewalk, and any cruelty to any animal or animals ; and to authorize the arrest and detaining, without warrant, of any person who may be guilty thereof ;

XV. To regulate the speed of locomotive engines upon any railroad in the village ; and to compel any railroad company Locomotive engines. to station and maintain flagmen wherever such railroad may cross any of the streets or highways of said village ;

XVI. To regulate, protect and improve the place known as " The Common," in front of the First Presbyterian Church, To protect public grounds as well as any other public ground or grounds within the limits of the village ;

XVII. To establish lamp districts, to provide and maintain lamps and gas fixtures, and to light the streets and public grounds ; Lighting of streets.

XVIII. To build and regulate wells, pumps, aqueducts and cisterns in the streets ; Wells, &c.

XIX. To establish and regulate one or more pounds, and to restrain and prevent the running at large or grazing of horses, cattle, swine and other animals, geese and other poultry, in the streets or public grounds ; and to authorize the impounding and sale of such animals or poultry, for the penalty incurred, and the costs of impounding, keeping and selling the same ; To prevent cattle running at large.

XX. To regulate and prevent the running at large of dogs ; Dog tax. and to authorize their destruction, when so found at large ; and also to impose taxes upon the owners of all dogs, not exceeding five dollars for each animal per annum ;

XXI. To regulate or prohibit the keeping of swine ; Swine.

XXII. To locate, regulate and remove slaughter houses ; Markets. to establish and regulate public markets ; to designate the places, times and manner of selling meats, fish, vegetables and fruit in such public markets, or in the public streets or grounds, and to prohibit the sale thereof without having been duly licensed for that purpose ;

XXIII. To prescribe and regulate the places, times and

Vending of  
hay.

manner of vending or exposing for sale any hay, straw or wood from wagons or other vehicles;

Nuisances.

XXIV. To regulate and prohibit any practice of any kind whatsoever having a tendency to frighten animals, or to annoy persons passing in or upon the streets or sidewalks;

To punish  
drunkards.

XXV. To restrain and punish drunkards, vagrants, mendicants, beggars and disorderly persons, in any of the streets, highways, alleys or public places of the village;

To establish  
and define  
powers and  
duties of board  
of health.

XXVI. To establish a board of health; to define its powers and duties; and to provide for the protection and maintenance of the health of the village; and to adopt and enforce such measures as said board of trustees may deem necessary to prevent the spread of any contagious or pestilential disease, including the closing or shutting up, vacating or cleansing of any dwelling house or other building, or any part thereof, in which any such case of disease may be known to exist, and the removal of any infected person or persons to a pest house, and the destruction or purification of clothing, furniture or other personal property which may be supposed to be likely to communicate said disease, and to make just compensation for the value of such property as may be so destroyed; *provided*, that no such person or persons shall be removed to any pest house without the consent and approval, in writing, of at least two practicing physicians;

Proviso.

To abate and  
remove nuis-  
ances.

XXVII. To designate and determine what are nuisances of every kind, and to abate and remove the same; and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist or be any matter or thing which is or may by said board of trustees be thought to be detrimental to the health of the inhabitants, to cleanse, remove or abate the same in a summary manner, at his or her own expense, and from time to time as often as they may deem necessary and shall direct;

To establish a  
day and night  
police

XXVIII. To establish, regulate and control a day and night police, and to prescribe the manner of their appointment and removal, their duties and their compensation; and to provide a suitable lock-up or place for the temporary detention of criminals, and of offenders against the ordinances of the village, whether before or after conviction;

To pay re-  
wards.

XXIX. To offer and pay rewards, from time to time, for the apprehension and conviction of persons engaged in crime, or in the violation of any of the ordinances of the village;

XXX. To regulate or prohibit the carrying on of trades or manufactures dangerous in causing or promoting fires ; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms ; to regulate or prohibit the keeping, sale and conveying of gunpowder, camphene, spirit gas, petroleum, kerosene, benzine, and other dangerous articles, and the use of lights in barns, stables, and other exposed buildings ; to raze or demolish any building or erection whatsoever when necessary, in the opinion of some officer or officers to be appointed for that purpose, to prevent the extension of a conflagration ; and to provide for ascertaining and paying just compensation to the owners of property destroyed in such cases ; and to require all further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts as the said board of trustees may deem proper to prevent the occurrence and provide for the extinguishment of fires in the village ;

To prohibit  
sale of fire-  
works.

To demolish  
buildings.

XXXI. To adopt all legal and requisite measures for levy- ing and collecting taxes ;

XXXII. To prescribe and define the duties and compensation of all officers or agents appointed by the board of trustees for any general or special purpose, and the penalty or penalties for failing to perform such duties, and the bonds and sureties to be given for the faithful discharge thereof ; except as may be herein otherwise provided.

To define the  
duties and  
compensation  
of officers.

12. *And be it enacted*, That the board of trustees shall have power to pass, alter and repeal any and all such additional ordinances, not contrary to the laws of this state or the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this or any other law.

Trustees may  
pass, alter or  
repeal ordi-  
nances.

13. *And be it enacted*, That in all cases where the board of trustees shall have the authority to pass ordinances on any subject, they shall be and are hereby empowered to prescribe a penalty or penalties for the violation of any such ordinance, or any part thereof, either by imprisonment in the common jail of said county for any term not exceeding thirty days, or by a fine not exceeding fifty dollars, or by both.

Penalties may  
be prescribed  
for violation.

14. *And be it enacted*, That no ordinance shall be passed, except with the concurrence of at least four trustees, nor until it shall have been presented and read at a previous meeting of the board, nor until it shall have been published in one of the public newspapers printed in said county and

Ordinances,  
how passed  
and when to  
take effect.

circulating in said village; that the enacting clause of all ordinances shall be in the words: "Be it ordained by the Board of Trustees of the Village of South Orange;" that such ordinances shall be recorded by the village clerk in a book to be kept by him for that purpose, and that such book (or any copy of such ordinances printed by the authority of the board of trustees,) shall be taken and received, in all courts and elsewhere, as conclusive evidence of the due passage of such ordinances; and that the publication of such ordinances in a newspaper shall, in all cases, be presumed to have been made, until the contrary shall appear; and that, except in those cases wherein it is hereby specially directed that the board of trustees shall proceed by ordinance, it shall be lawful for them to proceed and act either by ordinance or by resolution, as to them may seem fit.

Money to be raised by tax for certain purposes.

15. *And be it enacted*, That the board of trustees shall have power, by ordinance (to be passed before the twentieth day of May in each year,) to order to be raised by tax, in that year, upon the persons and property in said village, now or hereafter to be liable to taxation, such sum or sums of money as the said board may deem expedient or necessary, for any or all the following purposes, to wit:

I. For lighting streets;

II. For road purposes including the grading or regrading, graveling or regravelling or otherwise improving streets and highways, and for regulating, cleaning and keeping in repair streets and highways;

III. For the support of the police department;

IV. For the payment of any indebtedness of the village, or of any interest on such indebtedness;

Proviso.

V. For the contingent expenses of the village; *provided, however*, that such tax (exclusive of the amounts appropriated for the lighting of streets, and for the payment of either principal or interest of or upon any indebtedness of the village,) shall not exceed one hundred cents on every hundred dollars of the valuation of the assessed property in said village, as ascertained by the assessor's return in the previous year.

Trustees may borrow money in anticipation of taxes.

16. *And be it enacted*, That the board of trustees shall have power to borrow money, from time to time, for all purposes for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding in the whole the sum of five thousand

dollars; and for any special purpose, such as the laying out, opening, vacating, straightening, altering or widening of any street or highway, or the constructing of any sewer or drain, or the altering of the grade of any street or highway or any part or parts thereof, in anticipation of assessments for such improvement, to an amount not exceeding in the whole, at any one time, the sum of ten thousand dollars, and for any period of time not exceeding the term of two years; and to secure the payment of such loans by bond or other instrument, sealed with the common seal of the said village, and signed by the village president and clerk; and that the said board of trustees shall also have power, for the general purpose of paving or re-paving, macadamizing or re-macadamizing the principal streets or highways (which shall be under the control of the said trustees), with Telford or other stone pavement, to borrow money from time to time, as the same may be actually required, in any sum or sums not exceeding in all the sum of one hundred thousand dollars, and to secure the payment of the same by bonds to be sealed with the common seal of the said village, and signed by the village president and clerk, and countersigned by at least three of the said trustees, said bonds to be known as "South Orange Village Improvement Bonds," and to bear interest at the rate of seven per centum per annum, and the principal thereof to be payable in installments as follows: the first installment to be the one-fifteenth part of said principal sum and to be paid in the year of our Lord, one thousand eight hundred and eighty-two, and the balance to be paid in fourteen equal annual payments thereafter, and the proceeds of the said bonds to be expended under the direction and control of the said board of trustees in laying such Telford or other stone pavement upon the said roads or highways; *provided*, that in no case shall any road or highway be paved or macadamized from the proceeds of said bonds to the width of more than twenty feet; *and provided*, that it shall not be lawful to sell or dispose of any of said bonds for a less price than ninety cents on the dollar, nor without first inviting sealed proposals therefor by notice to be posted in two public places in said village, and advertised for at least two weeks in one of the public newspapers printed in said county and circulating in said village.

May issue  
improvement  
bonds.

Bonds, when  
due and pay-  
able.

Proviso.

Proviso.



III. *The Village Clerk.*

Duties of the  
village clerk.

17. *And be it enacted*, That the village clerk shall be the clerk of the board of trustees, and shall attend all their meetings, and keep a true and full record of all their proceedings; that he shall have the custody of the seal and of all books and papers belonging to the village, or which may be filed in his office; that he shall engross all ordinances which may be passed by the board of trustees in a book to be kept by him for that purpose; that he shall countersign and keep an accurate record of all licenses, and of all warrants for the withdrawal of moneys from the village treasurer, as well as countersign and seal all bonds, notes or other obligations for the payment of moneys by the village, under the direction of the board; that he shall, whensoever ordered by said board, or at least as often as once in every three months, pay over unto the village treasurer all moneys belonging to the village which may have come into his hands; that he shall record and carefully index in books to be prepared for that purpose, all certificates and declarations of sale of lands and real estate for unpaid assessments, and shall also attest the said certificates and declarations of sale, and shall cancel the said certificates when the said lands and real estate shall be redeemed; and that he shall give to all persons who may apply for the same, certificates of search in such records (for which he shall be entitled to receive a fee of one dollar in each case), for such certificates, declarations and redemptions of and from sales of lands and real estate; and that said certificates of search, when verified by the common seal of said village, shall be conclusive evidence against said village as to the truth of all matters and things stated therein; and that he shall also perform and discharge such other duties as may be required of him by the said board of trustees.

Copies of pa-  
pers to be re-  
ceived in evi-  
dence.

18. *And be it enacted*, That copies of any and all papers filed or kept in the office of the village clerk, and of the ordinances or records of the proceedings of the board of trustees, or any part thereof, certified by the said clerk, under the common seal of the village, shall be received as evidence thereof, in all courts and places whatsoever.

IV. *The Village Treasurer.*

19. *And be it enacted*, That the village treasurer shall deposit and keep all moneys received by him, in behalf of the village, in some bank or other depository to be designated by the board of trustees; that no money shall be expended by or drawn from him for any purpose whatsoever, except upon the warrant of the village president, countersigned by the village clerk, and made in pursuance of the order of the board of trustees; that he shall keep an accurate account of his receipts and disbursements, and shall report the same to the board of trustees as often as they shall direct; and that his books and vouchers shall always be open to the inspection of the village president or any member of the board of trustees, and at all reasonable hours to the inspection of any taxpayer, and that he shall also perform such other duties as may be required of him by subsequent sections of this act in relation to the sale and redemption of lands and real estate for unpaid assessments, and the payment or tender of payment of damages assessed in favor of the owners of lands and real estate taken for or damaged by any improvement.

Duties of the treasurer.

V. *The Board of Assessments.*

20. *And be it enacted*, That it shall be the duty of the Board of Assessments to assess, as fairly, honestly and impartially as may be, damages, in favor of the owner or owners of any lands and real estate that shall be taken for, or damaged by any general or local improvement hereinafter mentioned; and to assess the said damages, or the expense of any such improvement, as the case may be, fairly, honestly and impartially, upon the owner or owners of any lands or real estate on or within five hundred feet of the line of the whole of the street so improved, which, in the opinion of said commissioners, or any three of them, will be peculiarly benefited thereby, and in such proportions as they may consider said lands and real estate to be so benefited, and to the extent of such benefit, and to assess any excess of such damages, or expense, as the case may be, upon the village at large; *provided*, that any number of said commissioners, not less than three, shall have power to make any such assessment; and *provided, further*, that no commissioner shall act in any case

Duties of the board of assessments.

Proviso.

Proviso.

where he is in any way personally interested in the assessment which is to be made.

## TITLE FOURTH.

### THE POLICE DEPARTMENT.

Appointment  
and duties of  
police justice.

21. *And be it enacted*, That the governor of this state shall, from time to time, appoint some fit and discreet person to be the police justice of the said village, who shall hold his office for the like term, and be commissioned in the like manner, and be entitled to the like fees for like services, as justices of the peace in and for the several counties of this state, and who shall be amenable in like manner to the senate and general assembly of this state; but that said police justice shall not, by virtue of his said office, be authorized to hear and try any civil action, except such as may be brought to recover a penalty under an ordinance of the village, in which case he shall possess and have the same powers as a justice of the peace in his civil capacity; and that the board of trustees may pay him such compensation, in addition to the said fees, as they shall, from time to time, deem proper.

Powers of police justice.

22. *And be it enacted*, That said police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints, as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise.

Actions and proceedings had before police justice, how regulated and conducted

23. *And be it enacted*, That, unless herein otherwise directed, all actions or proceedings before the said police justice shall be, as nearly as may be, regulated by the provisions of, and conducted in the manner prescribed by the act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto; and that the court so held by said police justice shall be a court of record, and be vested, for the purposes mentioned in this act, with all such power as is usual in courts of record in this state, including the power to award and issue writs of subpoena ad testificandum into any county of the state; *provided*, that no trial by jury shall be had, nor any appeal to the court of common pleas be allowed, except in those cases where the penalty sued for shall exceed the sum of twenty dollars.

Proviso.

24. *And be it enacted*, That any penalty or penalties which may be ordained by the board of trustees for the violation of any ordinance, or part of any ordinance, may be enforced, or collected, together with all costs of suit and execution, in an action of debt to be brought before the police justice in his said court, in the name of "The Village of South Orange," and (in the case of a fine,) for the use of said village; and that, in such action, the first process may be either a warrant or a summons, but that a warrant shall not be issued unless upon oath or affirmation, made and filed before said police justice, and establishing to his satisfaction, by one or more particulars mentioned therein, that such warrant is necessary to secure the due enforcement of the ordinance against the person or persons complained of; that in such action it shall be lawful to declare generally in debt, and to give the special matter in evidence, and to amend the complaint, the process, and state of demand, in all particulars; and that, on the return of the process, or at the time to which the said police justice shall have adjourned the trial of the cause, he shall proceed to hear the testimony, and to determine the matter complained of, and to give judgment therein; and that if such judgment shall be given against the defendant or defendants, the said justice shall forthwith issue execution thereupon, either against the goods and chattels or against the person of the defendant or defendants, for the amount of the fine imposed, and the costs of suit and execution, or by warrant of commitment, directed to the keeper of the common jail of said county of Essex, and commanding him to receive and safely keep the said defendant or defendants for the term of his, her or their imprisonment; and that it shall be the duty of such keeper to whom such warrant shall be delivered to receive and keep such defendant or defendants, as so directed and commanded, until the time of such imprisonment shall have expired; *provided*, that in case a warrant shall be issued it may, in the discretion of the police justice, be made returnable forthwith, so as to receive a summary hearing and determination of the matter complained of. Penalties for violation of ordinances. how collected. *Proviso.*

25. *And be it enacted*, That the marshal and constables to be appointed by the board of trustees shall possess and have all the powers of constables for the purpose of preserving the peace and enforcing the ordinances of the village; and that they are hereby severally empowered to make arrests, either with or without warrant, for the violation of any such ordi- Marshal and constables may make arrests without warrant.

nance, and to detain the offender or offenders in the village lock-up, or elsewhere, until he, she or they can be conveniently taken before the police justice, who is hereby authorized to hear and determine the complaint summarily.

Parties applying for writ of certiorari to give bond.

26. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, judgment or other proceeding to be had or made by the said police justice, by virtue hereof, unless the party applying for such certiorari shall enter into bond to "The Village of South Orange," in the sum of one hundred and fifty dollars, with one or more good and sufficient surety or sureties, conditioned that such applicant shall prosecute the said certiorari, and shall pay to said village the penalty recovered before the said police justice, with interest and costs, if the said order or judgment be affirmed, and shall in all things stand by and abide the judgment of the higher court in the matter; which said bond shall be tendered to the justice granting said certiorari, to be by him filed with the clerk of the said court, for the benefit of the said "The Village of South Orange;" and that it shall be lawful for the said police justice to charge and receive, before delivering his return to the said writ of certiorari, the sum of ten cents per folio for said return, the same to be paid by the person delivering to him the said writ.

Fees of police justice.

Fines paid to treasurer.

27. *And be it enacted*, That the said police justice shall make return of and pay over all fines by him collected unto the village treasurer as often as once in each month.

## TITLE FIFTH.

### THE ASSESSMENT AND COLLECTION OF TAXES.

Assessment and collection of taxes.

28. *And be it enacted*, That it shall be the duty of the village clerk to transmit to the assessor of the township of South Orange, within ten days after the passage of the same, a copy of any ordinance or ordinances which may be passed by the said board of trustees for raising any sum or sums of money by tax, for any or all of the purposes stated in the fifteenth section of this act; that it shall then be the duty of the said assessor to assess the said sum or sums upon the persons and property within the limits of the said village, and the duty of the collector of said township to collect the same, in the same manner and at the same time that the taxes in

the townships of said county are assessed and collected; *provided, however*, that no township tax for the working, repairing, paving or permanent improvement of roads shall be assessed and collected within the limits of said village; *and provided also*, that no part of any such tax which may be assessed and collected in the remaining part of the township of South Orange shall be expended within said village; *and provided also*, that so much of said tax as may be raised for lighting any of the streets of said village shall be assessed upon and collected from the lands and real estate in the lamp districts to which said streets respectively belong; and that the said assessor shall keep the amounts so assessed for the said lighting of streets in a separate column upon his duplicate; and that said assessor and said collector shall be entitled to receive from the said board of trustees, for the additional service to be rendered under this act, the sum of twelve cents for every name upon their respective duplicates of persons within the limits of said village.

29. *And be it enacted*, That all said taxes, so assessed under and in pursuance of any such ordinance, shall be paid over to the said village treasurer by the collector of said township, from time to time, as they may be collected and received by him. Taxes collected to be paid to treasurer.

## TITLE SIXTH.

### THE CARE OF STREETS AND HIGHWAYS, AND THE MAKING OF GENERAL OR LOCAL IMPROVEMENTS AND OF ASSESSMENTS THEREFOR.

30. *And be it enacted*, That the said board of trustees shall have the exclusive control and management of the sidewalks, gutters and crosswalks in all the streets and highways of said village, and of all streets and highways in said village, except such as shall be under the control of the Essex Public Road Board, and of the working and repairing of the same. Trustees to have control of streets.

31. *And be it enacted*, That the overseer of the highways shall, under the direction of the board of trustees, have the charge of the working and repairing of all streets and highways, sidewalks, gutters and crosswalks, as aforesaid, and of keeping the same in good order; and, to that end, is hereby invested with all the powers belonging to the overseer Overseer of highways, duties of.



of the highways, in any township of this state, under any general law or laws.

Notice of any public improvement to be published.

32. *And be it enacted*, That when any ordinance shall be presented to the board of trustees for making any improvement, such as the laying out and opening of any street or highway; or the constructing of any sewer or drain; or the vacating, straightening, altering or widening of any street or highway, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; or the widening, straightening, leveling, grading or re-grading, flagging or re flagging, curbing or re curbing, paving or re paving, of any sidewalk and gutter, in any street or highway, or any part or parts thereof; public notice of such contemplated improvement shall be given by the village clerk, by publishing a copy of the proposed ordinance, for at least two weeks, in one of the newspapers printed in said county and circulating in said village, and also posted in two public places of said village; and that the said notice shall also state the time and place of the meeting of the board of trustees, at which they will proceed to consider the said ordinance; that at such meeting, ample opportunity shall be given to all parties in favor of or opposed to the said improvement, to present their views with reference to the same, in writing or otherwise, as the board of trustees may at the time direct; and that the board of trustees may, in their discretion, adjourn from time to time for a further consideration of the matter.

Ordinances for laying out streets, &c., to be accompanied by a map.

33. *And be it enacted*, That any ordinance which may be passed by the board of trustees, for the laying out and opening of any street or highway; or the constructing of any sewer or drain; or the vacating, straightening, altering or widening of any street or highway, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; shall be accompanied by a map, to be prepared under the direction of the board of trustees, or to be accepted by them, as soon as conveniently may be after the passage of the ordinance; and that said map shall not only give the termini, courses and distances of the improvement, or the old and the new grades, as the case may be, fully and particularly, as the same are described in the ordinance, but shall also show the lands and real estate (if any), to be taken therefor, and the name or names as far as may be conveniently ascertained, of the owner or owners

of such lands and real estate; which map shall be filed in the office of the village clerk.

34. *And be it enacted*, That as soon as may be after the completion of any such improvement as the laying out and opening of any street or highway; or the constructing of any sewer or drain; or the vacating, straightening, altering, or widening of any street or highway, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; or the widening, straightening, leveling, grading or re-grading, flagging or re flagging, curbing or re-curbing, paving or re-paving of any sidewalk and gutter in any street or highway, or any part or parts thereof; the expense thereof, including surveying, and a moderate allowance (the same to be estimated by the board of trustees), for the cost of making both of the assessments hereinafter provided, shall be ascertained and determined by the board of trustees and be entered by resolution upon the record of their proceedings; and that the amount so ascertained and determined, shall thereafter be treated as, and be held to be, the true and actual expense of making such improvement.

Costs and expenses to be ascertained and determined by trustees.

35. *And be it enacted*, That when any such ordinance, or any such resolution in relation to any such improvement, shall be passed by the board of trustees, a copy thereof, attested by the village clerk, shall, without delay, be handed by him to the board of assessments, or any member thereof; and the said clerk shall also give public notice, for at least two weeks, in a newspaper printed in the said county, and circulating in said village, and also posted in two public places in said village, of the time and place (the same having been appointed by the board of trustees), when and where the board of assessments will meet to assess damages and benefits as aforesaid, or the expense of making any such improvement as aforesaid as the case may be; and that the nature and object of such improvement shall be briefly stated in such notice, so as sufficiently to identify the same.

Notice of meeting of board of assessments to be published.

36. *And be it enacted*, That the members of the said board of assessments shall attend at the time and place appointed as aforesaid; that three of their number shall be a quorum for the transaction of business and shall be sufficient to make any assessment, but that one member shall have power to adjourn any meeting; that the board may adjourn from time to time; that it shall be their duty to give all

Parties interested may be heard.

parties interested in or affected by the improvement, ample opportunity to be heard upon the subject of the assessment; that they shall not only view the premises, but shall have power to examine witnesses under oath or affirmation, which may be administered by any one of their number; and that they shall, in manner aforesaid, assess the said damages, benefits or expenses, as the case may be, separately, and with due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken, damaged or peculiarly benefited, and shall assess upon the village at large any excess over and above the amount of such peculiar benefits; that they shall certify their said assessments to the board of trustees, by a report in writing, and signed by at least three of their number; that such report shall be accompanied by a map, showing not only the lands and real estate taken for or damaged by the said improvement, and for which they have so assessed damages, but also any lands and real estate which, in their opinion, are peculiarly benefited by said improvement, and upon which they have made any assessment for either the benefits or the expense of said improvement; that such report and map may be considered by the board of trustees, at any meeting of which at least to weeks' previous notice shall have been given by the village clerk in and by an advertisement in a newspaper printed in the said county, and circulating in said village, and also posted in two public places of said village, and also served by the village clerk upon the land owner or owners named in said report, such notice to be served upon said owner or owners in person if resident in said village (or if such owner or owners be non resident or cannot be found in said village by said clerk). then upon any person or persons residing on the lands in question, or else by posting the same conspicuously upon some part or parts of said lands, the affidavit of said clerk to be conclusive as to the manner of such service and to be attached to said report as a part thereof; that said notice shall briefly state the object of the meeting with reference to said assessments; and that, at that or any subsequent meeting, the said board of trustees, after considering the said report and map, shall and may adopt and ratify the same, with or without alteration, as to them may seem proper; that it shall be lawful for the said board of trustees to refer the matter to any committee or committees of their own body for further examination, before

Notice to be served on land owners.

Report, when ratified and adopted, binding.

taking final action upon it; and that, when the said report shall be so adopted and ratified, whether with or without alteration, as may happen, the same shall be final and conclusive upon all parties, except only in relation to an assessment for lands taken or damaged, as is hereinafter provided; and that such compensation shall be paid to the commissioners of assessments for any services so rendered by them as shall in each case be determined by a resolution of the board of trustees.

37. *And be it enacted*, That no notice to the owner or owners of said lands and real estate to be taken for, or to be damaged or benefited by said improvement, or to be assessed for such benefits, or for the expense of making said improvement, shall be required, other than the several notices mentioned in the thirty-second, the thirty-fifth and the thirty-sixth sections of this act; and that such notice shall always be presumed to have been made until the contrary shall appear.

38. *And be it enacted*, That any person or persons feeling himself, herself or themselves to be aggrieved by any such assessment of damages, for any lands and real estate taken for or damaged by any such improvement, may appeal to the circuit court of said county, at any time within sixty days after the final adoption of said report by the board of trustees; and that the said circuit court shall thereupon order a trial by jury to assess such damages anew; and that the said trial shall be conducted as in other cases of trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the board of trustees may proceed therewith as though said appeal had not been taken.

39. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the village treasurer, under the direction of the board of trustees, to pay or tender, unto the owner or owners of lands and real estate taken therefor, or damaged thereby, as aforesaid, the amount or amounts of damages so assessed to him, her or them, respectively; *provided*, that if such owner do not reside in said village, or upon due inquiry cannot be found therein by the said treasurer, or is a lunatic or idiot, or is under age or otherwise legally incapacitated to receive such damages, or if such owner or owners will not accept such damages and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of the fact, and shall file the same with the village clerk; and the board of trustees shall, after in-

Notices to  
owners of land

Persons ag-  
grieved may  
appeal.

Proviso.

Money to be  
tendered be-  
fore any im-  
provement is  
carried into  
effect.

Proviso.

Proviso.

quiry, direct the amount or amounts of said damages to be placed on special deposit in some suitable depository, for the use of the person or persons to whom the same may be due; and the same shall be paid to him, her or them, when duly authorized to receive the same, without interest, except from and after the time when demand may be made for the same and be refused; *and provided also*, that no tender shall be necessary in any case where the benefits which may be assessed against the said owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor.

Report and map, when adopted, to be filed.

Treasurer to make and record abstract.

Notice of payment to be published.

Assessments to draw interest if not paid in specified time.

40. *And be it enacted*, That after said report of the board of assessments shall have been adopted and ratified by the board of trustees, whether with or without alteration as aforesaid, and shall have been duly recorded at full length in the record of their proceedings, it shall, together with the last mentioned map, be delivered to the village treasurer for preservation in his office; and that said treasurer shall immediately thereafter prepare an abstract of said report, including therein a brief description of the improvement, the names (when known) of the several owners of the lands and real estate assessed, the several amounts so assessed against them, and a brief description of the several parcels of said lands and real estate, specifying the locality thereof, with reference to streets, numbers and cross-streets, as far as the same can be conveniently stated; that the said treasurer shall enter the said abstract in a book to be kept in his office for that purpose, and which shall be called the "Book of Assessments for Improvements;" and that he shall then give notice for four weeks, in some newspaper printed in the county and circulating in said village, that said report and map have been so delivered to him, and requiring the owners of lands and real estate effected thereby to pay the amounts of the several sums assessed against them to him, at his office, within ninety days from the time of the first publication of said notice.

41. *And be it enacted*, That if any assessment required to be paid by virtue of this act shall not be paid to the said treasurer within ninety days after the first publication of the notice mentioned in the fortieth section of this act, the said assessment shall draw interest thereupon from and after that time until paid, at the rate of one per cent. per month.

42. *And be it enacted*, That it shall be lawful for the board

of trustees, whenever they shall deem it expedient, to ordain, by ordinance as aforesaid, that any street or highway, which may have been or may be conveyed to said village, or which may have been or may be opened by the owner or owners of any land over which the same passes, and which has been or may be dedicated to public use by permitting the public to use the same for any length of time, and by selling lots fronting thereon, shall be deemed and taken to be a public street or highway; and that the same shall thereafter be made, maintained and treated as such in all respects.

Streets dedicated deemed to be public highways.

43. *And be it enacted*, That hereafter no street or highway, to be laid out and opened in said village, shall be deemed and taken to be a public street or highway, unless laid out and opened under and by an ordinance of the board of trustees; and that it shall be lawful for the said board of trustees to lay out any street or highway, exceeding four rods in width; *provided*, all the lands embraced therein shall be given and conveyed to the village for that purpose by the owner or owners thereof.

When streets considered public highways.

Proviso.

44. *And be it enacted*, That it shall be lawful for the board of trustees, from time to time, to appoint by ordinance, three freeholders of the village to act as commissioners in ascertaining and determining the precise lines, courses and width of any street or streets in said village, whether legally laid out and opened or not, but which may have been used by the public for twenty years or more, as the said street or streets is, are, or shall be so used at the time of the passage of such ordinance, which commissioners, or any two of them, shall, with all convenient speed, return to the said board of trustees a report in writing, accompanied by a map, showing such lines, courses and width of said street or streets; and such report and map, when approved by said board of trustees, shall be filed in the office of the village clerk, as well as recorded in the record of the proceedings of said board of trustees, and shall thereafter be taken to be full and conclusive evidence of the existence of such street or streets as a public highway or highways, and that the same shall thereafter be treated and maintained as such in all respects.

Trustees may appoint commissioners to ascertain lines of streets.

Report and map to be made.



## TITLE SEVENTH.

## THE COLLECTION OF UNPAID ASSESSMENTS.

Assessments  
for improve-  
ments to re-  
main a lien on  
lands.

45. *And be it enacted*, That any assessment for any improvement, whether for benefits or for the expense of making such improvement, together with interest on said assessment, and all costs and fees shall be and remain a lien upon the lands and real estate so assessed therefor, for the space of three years from the twentieth day of May in that year in which said assessment shall be made; notwithstanding any devise, descent, alienation, mortgage, judgment, or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners of such lands and real estate, or omission to name such owner or owners; and that any assessment in which such mistake or omission occurs, shall be valid and effectual in law as though said mistake or omission had not occurred.

Treasurer to  
enforce collec-  
tion of assess-  
ment.

46. *And be it enacted*, That in case any assessment for an improvement, together with interest thereon as aforesaid, and all costs and fees which may have accrued thereon, shall remain unpaid at the expiration of ninety days from and after the first publication of the notice mentioned in the fortieth section of this act, it shall be the duty of the said village treasurer to proceed forthwith in the collection of said assessment, by enforcing the lien aforesaid upon the said lands and real estate, in the manner hereinafter prescribed.

Treasurer to  
give second  
notice.

47. *And be it enacted*, That the said treasurer shall thereupon give a second notice, by an advertisement in a newspaper printed in said county and circulating in said village, that unless said assessment, together with interest thereon as aforesaid, and all costs and fees, shall be paid to him, at his office, within thirty days after the first publication of said second notice, he shall proceed, at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale, in accordance with the provisions of this act, of the said lands and real estate whereon the said assessment has been imposed or may be a lien; and that said second notice shall contain a brief abstract of said assessment, showing the names of the owner or owners, (when known), a brief description of said lands and real estate, and the amount of the unpaid assessment due

Treasurer to  
make sale.

thereupon; and that it shall be lawful to incorporate more than one assessment in said notice.

48. *And be it enacted*, That at the time and place, and between the hours mentioned in said notice, the said village treasurer shall proceed to sell, by public auction, the several parcels of the said lands and real estate upon which the said assessment still remains due and unpaid, for the lowest term of years, (but in no case exceeding fifty years), for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expenses of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and that, if not so made, the said village treasurer may resell the property, or the said village may have its action against the purchaser for the payment of the whole amount due, with the interest thereon, at the rate of one per cent. per month; that the sale may be adjourned from time to time, at the discretion of said treasurer, until all the said lands and real estate shall have been disposed of; and that such parcels as are not bid for when offered for sale or re-sale as aforesaid, shall be struck off to the village for the term of fifty years.

49. *And be it enacted*, That, at or after the close of the sale, the said village treasurer shall make out under his hand and seal, and deliver to each purchaser a certificate of the sale of each lot or parcel of said lands and real estate so purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, fees and expenses; that such certificate shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the village clerk in books to be kept for the purpose, and, after being so recorded, shall constitute a lien upon the lands and premises therein described; and that the said certificate may be assigned, but that no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of the village clerk; and that no declaration of sale shall be executed and delivered to such purchaser or assignee, as hereinafter provided, until the said certificate shall have been canceled and filed with the

Treasurer to  
sell lands for  
non-payment.

Certificate of  
sale to be de-  
livered to pur-  
chaser and re-  
corded.

village clerk, unless the loss or destruction thereof be established by affidavit, to the satisfaction of the board of trustees.

Treasurer to keep record of proceedings.

50. *And be it enacted*, That the village treasurer shall keep a full and accurate record in his office of all his proceedings upon such sales, including a statement of all certificates granted, and all redemptions of property sold by him; to which record all parties claiming to be interested shall have free access at all reasonable times.

Provisions of act to apply when village becomes purchaser

51. *And be it enacted*, That if the village becomes the purchaser of any lands and real estate, at any such sale, the certificate of sale shall be assignable as aforesaid, and all the other provisions of this act in relation to the sale shall apply to the village the same as to any other purchaser.

No mortgagee or assignee to be divested of rights unless notice be given.

52. *And be it enacted*, That no mortgagee, or assignee of any mortgage, whose mortgage or deed of assignment (as the case may be,) shall have been duly registered before any such sale for an unpaid assessment shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing, by the purchaser or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of the said county of Essex, or, if he be not so resident, by being directed to him at his place of residence as stated in the mortgage or deed of assignment, and by being deposited in the post office of said village, and that, in the latter case, said notice shall likewise be published for the space of two months in a newspaper printed in said county and circulating in said village; and that within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to file in the office of the said village treasurer a copy of said notice, together with the affidavit of some person (who shall be certified by the officer taking the affidavit to be a creditable person,) as to the manner of service, or service and publication thereof.

Notice to be published.

Owner, mortgagee, &c., may redeem lands.

53. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying to the village treasurer, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he

may have filed a written notice in the office of the said village treasurer, together with interest at the rate of two per cent. per month upon such purchase money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said treasurer, stating the receipt of such moneys and showing what property the same were intended to redeem, shall be evidence of such redemption; and that upon the receipt of such moneys by the said treasurer, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand; and that all proceedings in relation to said sale shall then cease and determine; and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him to effect such redemption, with interest thereon at the rate of twelve per cent. per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and that the said treasurer shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the village clerk.

Persons redeeming to have a lien on lands.

54. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as aforesaid, the board of trustees shall, in the name of said village, execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the village president and attested by the village clerk, containing a short description of the premises sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale, and the term for which said premises were sold; that said declaration shall be recorded in the office of the village clerk in books to be kept for the purpose, and that, until the same shall be so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places, that such sale and proceedings were regularly made and had, according to the provisions of this act; and that such purchaser and his legal representatives or assigns, shall, by virtue thereof, lawfully hold and enjoy

Declaration of sale to be executed to purchasers.

such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be completed and ended for which the purchaser agreed to take the same, and at the expiration of the said term, shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable, however, for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

Clerk to record and cancel declarations, &c.

55. *And be it enacted*, That in addition to the recording of certificates and declarations of sale, and of assignments of such certificates, as aforesaid, the village clerk shall also give certificates of search in relation thereto, to any person or persons applying for the same; and that he shall also cancel such certificates, and such assignments thereof, so recorded, whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the village treasurer's certificates of such redemption.

Compensation of treasurer and clerk.

56. *And be it enacted*, That for any service to be performed under this act, the village treasurer shall be allowed such special compensation for special services as may be from time to time, determined by the board of trustees; and that he shall also be entitled to receive from each purchaser the sum of two dollars for every certificate or declaration of sale by him given; and that the said village clerk shall also be entitled to receive from said purchaser the sum of two dollars for every certificate or declaration of sale, and every assignment of such certificate, to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof,) made by him in the records of certificates and declarations of sale and assignments, as aforesaid; and that the said village treasurer shall likewise collect, for the use of the village, the sum of two dollars from each purchaser, at the time of the delivery of the said certificate of sale, for the expenses of advertising and selling each and every lot or parcel of said lands and real estate by him purchased as aforesaid.

Board of assessment to sell building at public sale when owners fail to remove the same.

57. *And be it enacted*, That whenever any building, or any part of any building, shall stand within the lines of any street or highway, which shall have been laid out and opened, or which shall have been straightened, altered or

widened, by any ordinance of the said board of trustees, and the owner or owners of said building, or said part of a building, shall have neglected to remove the same, it shall be the duty of the board of assessments, or of any three of them, to sell and dispose of the same, to the highest bidder, at a public auction, of which they shall have given at least four weeks' notice in a newspaper printed in the said county and circulating in said village; and that they shall have power to adjourn said sale from time to time, as they may see fit, by making public proclamation thereof at the time of such adjournment; and that they may undertake to deliver possession of said building, or said part of a building, to the purchaser thereof, at any time thereafter, which they may determine to be just and fair to the former owner or owners thereof; and that it shall be the duty of such former owner or owners, or his, her or their tenant or tenants, to vacate and yield up the possession of the same, at the time so determined; and that the amount for which the same shall be so sold, after deducting the expenses of said advertisement and sale, shall be paid over unto the said village treasurer, and be credited by him on account of the moneys to be collected for said improvement.

Notice to be published.

## TITLE EIGHTH.

### MISCELLANEOUS PROVISIONS.

58. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which the said "The Village of South Orange" is a party, or in which it may be interested, no person shall be deemed to be incompetent to act as judge, juror or witness, by reason of his being an inhabitant or freeholder of said village; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act as special matter in evidence at the trial.

No person incompetent to act as juror, &c.

59. *And be it enacted*, That all ordinances, by-laws and regulations passed by the board of trustees of the village of South Orange, under and by virtue of the act entitled "An Act to incorporate the village of South Orange, in the county of Essex," not inconsistent with this act, shall continue in force until altered or repealed by the said board of trustees.

Ordinances heretofore passed to continue in force.



Records to be  
received as  
evidence.

60. *And be it enacted*, That the books of record kept by any officer of the village, under and by virtue of the provisions of this act or any ordinance of the board of trustees, shall be admitted as evidence of the matters and things therein contained in all courts and places whatsoever.

Licensing of  
inns and tav-  
erns.

61. *And be it enacted*, That no person shall be at any time hereafter licensed by the inferior court of common pleas of said county, to keep an inn and tavern within the limits of said village, unless said person shall, in addition to the recommendation now required by law, present to the said court a certificate signed by the village president and clerk, that in the opinion of a majority of said board of trustees (as determined by their vote at one of their meetings), the applicant is a proper person to be so licensed, and that they believe said inn and tavern is needed and will conduce to the public good; that the license fee to be paid by any person so licensed, shall be such sum, not less than fifty nor more than one hundred dollars, as shall be so determined and certified, and shall be paid by the clerk of said court unto the said village treasurer for the use of said village.

License fee.

No person to  
sell ale, &c.,  
without  
license.

62. *And be it enacted*, That no person, other than such licensed inn-keeper, shall hereafter be allowed, within the limits of said village, to sell ale, beer, porter, cider, wine, or any other malt, vinous, spirituous or intoxicating liquor, of any kind whatsoever, nor any compound or mixture, of which any such liquor shall form a component part (except where sold by a druggist or apothecary for medicinal purposes, and then only upon the written prescription of a practicing physician, and not to be drunk upon the premises where sold.) until such person shall have been first licensed therefor by the vote of a majority of the said board of trustees, and shall have received his certificate of such license, signed by the village president and countersigned by the clerk, and shall have paid to the said treasurer, for the use of said village, such license fee, not less than twenty-five nor more than fifty dollars, as may be from time to time fixed and determined by said board; that such license shall run for the term of one year from the date of said license certificate, and no longer; that the said board of trustees shall have full power and authority, by the vote of a majority of their number, to revoke said license at any time, and for any cause whatsoever; and that a copy of the resolution of said board revoking said license shall be served by the village clerk, without delay,

License fee.

Trustees may  
revoke license

upon the person licensed, or left upon his or her premises in some conspicuous place, in case he or she cannot be easily found; and that in case of such revocation of said license, the said treasurer shall, upon demand, pay back to the person licensed, such part of the license fee as shall be in proportion to the unexpired portion of the said term of one year; *pro- Proviso.*  
*vided*, that nothing in this section contained shall hinder or prevent the recovery or enforcement of any penalty or penalties in any ordinance or ordinances of said board of trustees for any violation thereof; *and provided also*, that in case of *Proviso.*  
 any such sale by any druggist or apothecary, the said written prescription shall be carefully filed and preserved by him, and shall always be subject to the inspection of any member of said board of trustees, upon demand made by him for that purpose; and that if any person shall violate any of the provisions of this or the next preceding section, he or she shall forfeit and pay a fine not exceeding fifty dollars for each and every offence, the same to be recovered, with costs, in an action of debt, before the police justice or in any other court of competent jurisdiction, by the village treasurer, in the name and for the use of the said village; and in default of payment thereof, the defendant shall be committed to the common jail of said county for any term not exceeding sixty days, or until the said fine and costs shall be paid.

63. *And be it enacted*, That all acts and parts of acts in- *Repealer.*  
 consistent with the provisions of this act, shall be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Passed April 4, 1872.

## CHAPTER DLII.

A Supplement to the act entitled "An Act to set off a new township from the townships of North Brunswick and Monroe, in the county of Middlesex, to be called the township of East Brunswick; and also a new township from the township of North Brunswick, to be called the township of New Brunswick," approved February twenty-eight, eighteen hundred and sixty.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the act to which this is a supplement be and the same is hereby repealed; and that the township of East Brunswick, in the county of Middlesex, shall hereafter constitute but one election district.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLIII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Records, &c.  
to be admitted  
as evidence in all  
actions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all causes of action or suits arising out of, or brought to recover any penalty for violation of any ordinance of the common council, or any rule or regulation of the board of health of the city of Newark, deeds, records, and other evidences of title to lands,

shall be admissable in evidence in all courts having jurisdiction of such causes of action or suits, so far as the decision of the question of title be necessary for the decision of such suits, the enforcement of said ordinances, rules and regulations, or for the recovery of such penalty for violation of the same.

2. *And be it enacted*, That the provisions of the thirty-eighth section of an act entitled "An Act to simplify the pleadings and practice in courts of law," approved March seventeenth, one thousand eight hundred and fifty-five, be and the same are hereby extended to the police courts of the city of Newark, so far as the same may be applicable or necessary under or pursuant to the preceding section of this act. Act extended to police courts

3. *And be it enacted*, That this act shall be construed to apply to all ordinances of the common council of the city of Newark, and to all rules and regulations of the board of health of said city, wherein parties are designated or described as "owners, tenants, occupants or agents" of lands or premises. Act, how construed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLIV.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Camden," approved February fourteenth, one thousand eight hundred and seventy-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act there shall be in and for said city of Camden twenty-five councilmen. Number of councilmen.

2. *And be it enacted*, That an election by ballot shall be held on Tuesday, the sixteenth day of April, one thousand Date of holding election.

eight hundred and seventy-two, in each of the wards and election districts of the said city of Camden, at the same place at which the last annual election of said city was held, between the hours designated by law for holding the election for members of the senate and general assembly of this state, of which time and place the city clerk shall cause public notice, either printed or written, to be set up in five public places in each ward of said city, at least three days previous to the day of holding such election.

Election and  
term of office  
of councilman  
at large.

3. *And be it enacted*, That at said election to be held pursuant to this act, there shall be elected by ballot, in and for said city of Camden, from among the citizens residing in said city, and entitled to vote at said election to be held as aforesaid, one councilman at large, who shall hold his office until the annual election of said city, to be held under the said act to which this is a supplement, in the year one thousand eight hundred and seventy-five, at which annual election, and every third year thereafter, there shall be elected by ballot, in and for said city, from among the citizens residing in said city, and entitled to vote at said annual elections, one councilman at large, who shall hold his office for the term of three years.

Councilman at  
large, powers.

4. *And be it enacted*, That said councilman at large, to be elected as aforesaid, shall meet with the councilmen already elected, or hereafter to be elected by virtue of the said act to which this is a supplement, at any and all meetings by them hereafter held in pursuance of said act, and shall have and possess the same powers and privileges, and be subject to the same restrictions as they or any of them now have or shall have, possess and are subject to.

Who entitled  
to vote.

5. *And be it enacted*, That the persons who were by law entitled to vote at the last annual election of said city, held in the several wards of said city of Camden, and who were duly registered in said ward, in accordance with the provisions of an act entitled "An Act to provide for the registration of persons entitled to the right of suffrage in cities," approved March twenty-second, eighteen hundred and seventy-one, and none others shall be entitled to vote at the election held pursuant to the provisions of this act.

Election, how  
conducted.

6. *And be it enacted*, That the election to be held in pursuance of this act, shall be held and conducted by the same judges and election officers in the several wards of said city, who held and conducted the last annual election in said city,

and such judges and election officers shall perform the same duties in conducting said election, canvassing and estimating the votes to be cast thereat, and making returns thereof, in the same way and manner, under the same restrictions and limitations, and subject to the same penalties, as are now provided or imposed by law; *provided*, that in case of the <sup>Proviso.</sup> absence, death, refusal to serve, or other incapacity of any or either of said judges or election officers, at the holding of said election, such vacancy or vacancies shall be supplied in the same manner prescribed by law for supplying such vacancy or vacancies at an election for state and county officers.

7. *And be it enacted*, That if any person or persons shall vote, or offer to vote, in any of the wards of said city at the election held in pursuance of this act, such person or persons so voting, or offering to vote, at such election in such ward, not being legally entitled to vote therein, shall be subject to the same pains, penalties and punishment now prescribed by law to be imposed or inflicted upon any person or persons illegally voting, or offering to vote, at any general election held in this state. <sup>Penalty for illegal voting.</sup>

8. *And be it enacted*, That this act shall take effect immediately.

Passed April 4, 1872.

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## CHAPTER DLV.

A Supplement to an act entitled "An Act to reorganize the local government of Jersey City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty (20) of the act to which this is a supplement, be and the same is hereby <sup>Amendment.</sup> amended by striking out the word "three" (3) where the same occurs in said section, and inserting in lieu thereof the word "two."



2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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CHAPTER DLVI.

A Further Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Council may  
designate  
German paper  
to print pro-  
ceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the city of Hoboken may designate one newspaper published in the city of Hoboken in the German language to print the proceedings of that body, and such other matters and things as are now required to be published by the charter of the said city of Hoboken, or any supplement to the same, in addition to the papers as now by law provided; the compensation to be paid be at the like rates as allowed by the council to the two official newspapers.

Compensation

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLVII.

A Further Supplement to the act entitled "An Act to divide the township of Woodside between the city of Newark and the township of Belleville," approved April fifth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners, or a majority of them, named in the act to which this is a supplement, for the purpose of collecting any arrears of taxes due and uncollected from any of the inhabitants of the said township of Woodside at the time of the passage of said act, issue a warrant, and on the return thereof an alias or pluries warrant, under their hands and seals to any constable of the county of Essex, returnable at a certain time to be specified therein, and it shall be the duty of such constable to execute the same according to law and pay over the moneys by him collected to said commissioners to be apportioned and disposed of by them agreeably to said act.

Commissioners may issue warrant for collection of arrears of taxes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLVIII.

A Further Supplement to an act entitled "An Act relative to taxes in certain counties of this state," approved April second, one thousand eight hundred and sixty nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Trenton, in the county of Mercer, be and is hereby included in the said act

Act extended.

to which this is a supplement, and that the taxes hereafter to be assessed and raised in the said city of Trenton for the purposes mentioned in the said act, shall be assessed and raised according to the provisions of the said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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### CHAPTER DLIX.

Supplement to an act entitled "An Act to form a new township out of a part of the township of Franklin, in the county of Gloucester, to be called the township of Clayton," approved February fifth, one thousand eight hundred and fifty-eight.

Annual town  
meeting.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Clayton shall hold their annual township meetings at Glassboro' and at Clayton, alternately, hereafter, on the second Wednesday in March of each year, to elect township officers; and that the first township meeting held for that purpose after the passage of this act shall be held at Glassboro'.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

Approved April 4, 1872.

## CHAPTER DLX.

**A** Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

**WHEREAS**, writs of certiorari are often applied for to remove Preamble. proceedings in the matter of street openings and other public improvements in the city of Newark, after the expiration of a long space of time from the taking of said proceedings or the ratification of the same, and after large sums of money and great labor have been expended and performed, and after the accounts of large numbers of persons interested therein have been settled and adjusted, thereby causing protracted and unnecessary delay and confusion in many important and indispensable public improvements; and whereas, the public good demands that some limit should be definitely fixed for the issuing of said writs in matters relating to said city; therefore,

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That no writ of certiorari shall be allowed or issued on or in relation to any assessment, award or other proceeding whatsoever, made or had by virtue of any of the provisions of the charter of the city of Newark, or any of the supplements thereto, or on any ordinance, resolution or proceeding of the common council of said city, or of any committee thereof, or on any act of any commissioners or other person or persons appointed by said common council, in the matter of any public improvement, or other matter, after the expiration of six months from the date of the ratification of said assessment, award or other proceeding by the said common council, or from the passage of said ordinance or resolution, or from the taking of said proceeding, or from the doing of said act, any law of the state of New Jersey to the contrary notwithstanding. Writs of certiorari, when to be allowed.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXI.

## An Act in relation to Chosen Freeholders in the county of Passaic, in this State.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the chosen freeholders elected in the county of Passaic at the next election held in said county for ward and township officers, pursuant to the provisions of law, shall hold their respective offices for the term and in the manner prescribed in this act.
2. *And be it enacted*, That at the next annual meeting of the board of chosen freeholders of the county of Passaic, the members of the said board shall divide themselves into classes by lot, in such manner as said board may by resolution direct, so that the term of office of seven of said members shall expire in one year from the said annual meeting, and the term of office of eight of said members shall expire in two years from said annual meeting.
3. *And be it enacted*, That within ten days after the aforesaid classification shall have been made, the clerk of the said board of chosen freeholders shall notify the clerks of the several wards and townships in said county of the duration of the term of office of the chosen freeholders from the respective wards and townships in said county; and the said clerks shall give notice of the election of the chosen freeholders accordingly, at least eight days before the expiration of the terms of office of said chosen freeholders.
4. *And be it enacted*, That the chosen freeholders in said county elected to succeed those freeholders whose terms of office shall have been fixed and determined pursuant to the provisions of this act, shall be elected for and hold their respective offices for the term of two years, and until their successors shall be elected and qualified.
5. *And be it enacted*, That every chosen freeholder in said county, and every person appointed to an office by the board of chosen freeholders of said county, shall, before he enters upon the duties of his office, take and subscribe, before any person qualified to administer oaths, an oath or affirmation

Term of office.

To divide into classes.

Clerk of board to notify township clerks.

Terms of office.

Freeholders to take oath.

faithfully and impartially to execute the duties of his office, according to the best of his ability and understanding; which oath or affirmation shall be filed in the county clerk's office of said county.

6. *And be it enacted*, That all acts and parts of acts, either <sup>Repealer.</sup> general or special, inconsistent with the provisions of this act, are hereby repealed, and that this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXII.

A Further Supplement to the supplement to "An Act to divide the township of North Bergen," approved March eighteenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "from the completion of the work," in the last sentence of section four of said supplement, be and the same are hereby repealed; and said sentence shall hereafter read "from the date of their <sup>Amendment.</sup> issue."

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately. <sup>Repealer.</sup>

Approved April 4, 1872.



## CHAPTER DLXIII.

A Further Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Council empowered to improve and ornament public parks and squares.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken are hereby authorized and empowered to improve and ornament both or either of the public parks or squares in said city, one of which is known as "Hudson Square," the other as "Public Squares," and both situate between Fourth and Fifth streets, whenever the council of said city may consider it expedient so to do; and that the costs and expenses of such improvement or improvements be assessed upon the real estate in said city benefited thereby, in proportion to the benefit received, and that said assessments shall be made by the board of commissioners of assessments of said city, who shall proceed in all things in the same manner as in making assessments for the costs and expenses of constructing sewers in said city; and the said assessments shall remain a lien on the lands assessed until paid, and shall be collected in the same manner as assessments for constructing sewers in said city are collected.

May issue improvement certificates.

2. *And be it enacted*, That the said mayor and council shall have power to issue improvement certificates to pay for such improvement as the work progresses, which improvement certificates shall bear interest at the rate of seven per centum per annum, and be payable in two years from the date thereof.

Council may issue scrip or certificates of indebtedness.

3. *And be it enacted*, That to meet the current expenses of filling sunken lots declared to be nuisances, under and by virtue of the nineteenth section of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate the city of Hoboken,'" approved March twenty-eighth, eighteen hundred and fifty five, which supplement was approved April sixth, eighteen hundred and seventy-one, the mayor and council of said city are hereby authorized to issue scrip or certificates of indebtedness, which certificates shall show upon the face thereof for what purpose they are issued, and shall

bear interest at the rate of seven per centum per annum, and shall be payable in two years from the date of their issue.

4. *And be it enacted*, That the nineteenth section of said Amendment. supplement, approved April sixth, eighteen hundred and seventy-one, be amended by inserting after the words "street commissioner" the following, that is to say, "under the direction of the committee on streets and assessments."

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXIV.

An Act to facilitate the collection of taxes in the township of Dennis, in the county of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Dennis, in the county of Cape May, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year of our Lord one thousand eight hundred and seventy-two and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said tax and costs thereon, at public vendue, to the person or persons who will take the least quantity of said land to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due, and in case where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at and bid on such lands as are offered for sale as aforesaid, in the name of the township, the lands so sold to him, if any, to be the property of said township.

Committee may sell lands for unpaid taxes.

2. *And be it enacted*, That no land shall be sold by virtue of this act, until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as de-

No land to be sold until collector makes return that taxes are unpaid.

linquents, and shall verify the same by his affidavit, attached thereto; and the collector neglecting or refusing to make such return and affidavit, on or before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Copy of return  
to be recorded  
and posted up

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of the township, and a copy thereof to be posted in at least three public places in said township, one of said places to be the place where the election of said township was held; the same to be certified to and signed by the committee of the township.

Return to be  
published.

4. *And be it enacted*, That after the expiration of twenty days the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue, as aforesaid, for the collection of said returned and delinquent taxes.

Chairman to  
sell lands.

5. *And be it enacted*, That on the day mentioned in said notice, or some adjourned day thereof, the chairman of said committee shall, at the hour mentioned in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue, as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes, with costs of advertising and sale.

Certificates of  
sale.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece or several pieces sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of the said land or lands do not within one year from the date of said certificate, appear before the said committee and deposit with them for the purchase of said land the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be canceled, and the amount so received, shall, on demand, be paid to the party holding and owning such certificate.

Proviso.

7. *And be it enacted*, That if at the expiration of one year from the time of said sale, the owner or owners of any lands so sold, does not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders and owners of said certificate, a deed of the premises described therein in their corporate name; the party receiving said deed to bear the expenses of the revenue stamps and the acknowledging of the same, and on delivery of said deed, the sale shall be final, and the title of such lands pass irrevocably to the holders thereof.

Failure of owners to redeem committee to execute deed.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purpose of this act, and may adjourn from time to time as they shall judge proper.

Quorum.

9. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXV.

An Act to provide for free roads between Newark and Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Peters, A. Bishop Baldwin, Isaac N. Van Wagenen, Marcus Beach, J. Van Vorst, Nehemiah Perry, Peter S. Duryee, Ira M. Harrison, Isaac W. Scudder and Alfred L. Dennis, or a majority of them, be hereby appointed commissioners with full power and authority, by contract with the Pennsylvania Railroad Company, the Newark and New York Plank Road Company, the proprietors of the bridges over the Passaic and Hackensack, to purchase and acquire for the public use of the counties of Essex and Hudson, the rights, franchises, privileges and properties of the Newark and New York Plank Road Company, and of the proprietors of the bridges over the Passaic and Hackensack, for the lowest price for which the same can be obtained; *provided*, that a majority of all the members of

Commissioners and power to purchase bridge.

Proviso.

the board of chosen freeholders of Essex and Hudson county shall in joint meeting consent to and approve of the said price; the said joint meeting shall be held in the court house of the county of Hudson on the first Monday in June next following the passage of this act.

Commissioners to estimate and determine the value of bridge when no agreement can be made.

2. *And be it enacted*, That in case no agreement for such purchase can be made with the said corporations, or in case the said boards of chosen freeholders do not consent to and approve of the price as aforesaid, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of the said rights, franchises, privileges and properties, having first given at least twenty days' notice in writing, of the time and place when and where the said commissioners will meet to hear any representations on behalf of the said corporations, or of the boards of freeholders of said counties in relation to the matter, which notice shall be served upon the presidents of the said corporations, and also upon the directors of the said boards of freeholders, and shall also be published in two daily newspapers, one published in the city of Newark, and one in the city of Jersey City, for the space of ten days prior to said meeting; and said meeting may be adjourned from time to time at the discretion of said commissioners; and so soon as they shall have determined on the said valuation, they shall prepare and sign two certificates thereof, and file the same, one in the office of the clerk of the county of Essex, and one in the office of the clerk of the county of Hudson; and immediately upon the payment to the said corporations of the amount of the said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and the right of possession of the said rights, franchises, privileges and properties, shall become vested in the respective boards of chosen freeholders of the said counties, for public use.

Proceedings in case of appeal.

3. *And be it enacted*, That in case the said corporations or the boards of chosen freeholders of the said counties, or either of them, shall conceive themselves aggrieved by the action of the said commissioners, they may appeal therefrom to the supreme court of this state at any time within sixty days after filing of the said certificates as aforesaid, and the said courts shall order a jury to assess the value of the said rights, franchises, privileges and properties, the trial whereof shall be conducted as in other cases of trial by jury, and the final

judgment of said court shall be conclusive as to said valuation, and the amount already paid or deposited as said valuation shall be increased or diminished accordingly; *provided*, Proviso. that in case of appeal by said boards, or either of them, or by said corporations, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal shall be in the county of Union in this state.

4. *And be it enacted*, That the amount agreed upon or finally awarded as aforesaid for the purchase of the said rights, franchises, privileges and properties, with the expenses incident thereto, shall be paid equally by the respective boards of chosen freeholders of the said counties; and the said boards of chosen freeholders are respectively hereby authorized, empowered and required to borrow from time to time, in the name of said respective boards, by the issue of bonds, to be signed by their respective directors and countersigned by the respective collectors of said counties, and payable at any time not exceeding Amount agreed upon to be paid by counties. years, and bearing interest at the rate of seven per centum per annum, all such sums of money as may be necessary to pay the valuation and expenses aforesaid, which sums of money shall be paid over to said commissioners, to be applied by them to the purpose provided in this act; and the moneys necessary for the redemption of said bonds, with the interest to accrue thereon, shall be raised by county taxes, from time to time, in the same manner as other taxes are raised in said counties. May borrow money and issue bonds.

5. *And be it enacted*, That before entering upon the duties herein before specified, the said commissioners shall take and subscribe an oath, before some person having authority to administer the same, that they will faithfully and impartially perform the duties required by this act; and the said commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act. Commissioners to take oath.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 4, 1872.



## CHAPTER DLXVI.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Preamble.

WHEREAS, a certain portion of that section of the city of Newark, known as West Newark, has been heretofore laid out with narrow, short and crooked streets and passage-ways by private owners of property, without any municipal oversight or authority, or any reference to adjoining property or to the interest or accommodation of the public, and without any uniformity of continuance or connection; and whereas, a large number of buildings have been erected along the lines of said streets and passage-ways in such a manner that the danger from conflagration has been greatly increased, and the sanitary condition of the neighborhood much impaired; and whereas, in view of these facts and the rapid growth of said locality, the public good demands that the general plan and system which has been carried out for many years, and is still being beneficially carried out by the city authorities in other portions of said city, of laying out and improving streets and avenues in such a manner as to secure necessary width, needed ventilation, proper continuance and uniformity, and more ample protection from fire; and whereas, the commissioners appointed by said common council for that purpose, now engaged in the examination of the streets in the section of the city above mentioned, find it impracticable under existing laws and the condition of said locality, to remedy the difficulties or to secure the desirable results above stated; therefore,

Council may appoint commissioners to lay out certain streets and avenues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Newark may appoint not less than three nor more than five commissioners, one of them to be a resident of the ward the property is located in, to lay out certain streets and avenues herein named, with full power and authority to purchase, at their discretion, all or any part of the lands, real estate, buildings and all other improvements within the limits described as follows, to wit: beginning at the intersec-

tion of the northerly line of Springfield avenue with the <sup>Limits.</sup> westerly line of Littleton avenue, as the same is laid out on a map filed in the office of the city clerk of said city of Newark by the said commissioners appointed to lay out streets, avenues and squares; thence running along the said northerly line of Springfield avenue to the easterly line of South Tenth street; thence northerly along the said easterly line of South Tenth street to the former city line; thence southeasterly along the said former city line to the said westerly line of Littleton avenue; and thence southerly along said westerly line of Littleton avenue to the place of beginning, and to make such compensation therefor to the owner or owners thereof, as they may deem reasonable, and to receive from the said owner or owners conveyances of the same to the mayor and common council of the city of Newark; in case no agreement for such purchase can be made with such owner or owners, the said commissioners shall thereupon proceed to estimate and determine the fair value of the said lands, real estate, buildings or other improvements, for the purchase of which no agreement can be made as aforesaid, having first given at least ten days' notice in writing to the owner or owners thereof, either personally, or by leaving the same at his, her or their place or places of residence, of the time when and place where he, she or they may be heard in relation to the matter; in case said owner or owners shall be an infant, or a married woman, or non compos mentis, or absent from the city, or be for any reason incompetent to act in this behalf, then notice as to the time and place of the meeting of said commissioners to estimate and determine said value, shall be advertised in two daily newspapers published in said city, for the space of ten days prior to said meeting; said meetings may be adjourned from time to time, at the discretion of said commissioners; as soon as said commissioners shall have finally estimated and determined upon said valuation, they shall make and sign a certificate thereof, and file the same in the office of the said city clerk; and immediately upon the payment to said owner or owners of the amount of said valuation, or in case he, she or they will not or cannot receive the same, upon the deposit of said amount in such trust company or savings institution as any justice of the supreme court of this state may direct, the title to and right of possession of such property valued as aforesaid, shall become vested in the said the mayor and

Proceedings  
in case no  
agreement  
can be made  
for purchase  
of lands.

Proceedings  
in case of ap-  
peal.

common council of the city of Newark; any such owner feeling aggrieved by the said proceedings of the said commissioners, may appeal therefrom to the supreme court of this state at any time within sixty days after the date of the filing of the certificate as aforesaid in the office of said city clerk, and the said supreme court shall order a trial by jury to assess the value of the lands, real estate, buildings or other improvements of said owner, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive as to said valuation, and the amount of said valuation shall be increased or diminished accordingly; in case the title or interest of any person or persons in any of the premises included in the foregoing described boundaries, and for which a value shall be awarded by said commissioners as aforesaid, shall be doubtful or disputed, the value thereof awarded by said commissioners may be deposited as aforesaid upon affidavit of such facts and an order to that effect by such justice, and such deposit shall have the same effect as a payment made to said owner or owners; and the said court may proceed in a summary manner upon petition of any person or persons claiming to be the owner of said premises or any part thereof, to ascertain the interests of said parties, and to determine to what person or persons the said amount shall be paid, and shall have power to distribute the same among the persons entitled thereto; immediately upon the completion of the purchases or acquisition as aforesaid, the said commissioners shall make a full and complete report of the same to the said common council.

Commission-  
ers of sinking  
fund may is-  
sue "West  
Newark Im-  
provement  
Bonds."

2. *And be it enacted*, That for the purpose of carrying out the provisions of this act, the commissioners appointed pursuant to the provisions of an act of the legislature of this state, approved March tenth, eighteen hundred and fifty-nine, and designated as "The Commissioners of the Sinking Fund of the City of Newark," shall have authority to issue in the name of "The Mayor and Common Council of the City of Newark," bonds under the corporate seal of said city, and the signature of the mayor, to be denominated "West Newark Improvement Bonds," to an amount not exceeding two hundred thousand dollars, bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, and pledging the credit and property of the city for the payment of the same, which bonds the said last named commissioners may sell at public or private sale, for

the best price they can obtain for the same, and upon such terms and conditions as they may deem advisable, including the payment of the tax upon the same, with the consent of the common council of said city; said bonds shall be payable five years after their date, but said last named commissioners shall reserve the right to pay the same at any time before their maturity, and upon giving notice by advertisement for one month in two daily newspapers published in said city, of their readiness so to do, interest upon the same shall thereupon cease; they may also purchase the same or any part thereof at any time before maturity, at any price not greater than their par value; out of the proceeds of the sale of said bonds the said last named commissioners shall pay the several amounts awarded to such persons as may be entitled to receive the same, or deposit the same as aforesaid, upon the certificate to that effect of the commissioners first above named, or upon the judgment of the said court, or the order of such justice thereof as aforesaid; the proceeds of the sale of said bonds shall be appropriated exclusively to the payment for lands and property purchased or acquired as aforesaid, the necessary costs and expenses of the proceedings had and taken under this act, and to the payment of interest; no more of said bonds shall be issued or sold than may be necessary to accomplish the purposes aforesaid.

Proceeds of  
bonds, how  
appropriated.

3. *And be it enacted*, That the first above named commissioners, after having acquired the title to and possession of said lands, real estate, buildings or other improvements, in the name of the said mayor and common council of the city of Newark, as above mentioned, shall have full power and shall thereupon proceed to vacate the whole or any part of any street, road highway, passage-way or alley within the said boundaries, and to project and lay out upon and across said lands and real estate, such streets, avenues, highways or squares as they may deem necessary and proper, and to remove all obstructions therefrom; they shall immediately, upon completing the same, report their proceedings with full surveys, maps and descriptions to the said common council, which shall be filed in the office of said city clerk, and the said streets, avenues, highways and squares shall thereby and thereupon become open for public use.

Commission-  
ers to vacate  
and lay out  
streets, &c.

4. *And be it enacted*, That after the said maps and surveys shall have been filed as aforesaid, the said commissioners, first above named, shall at once proceed to lay out and divide

Commissioners to lay out and divide lands into lots and sell the same at public sale.

the said lands and real estate (except the said streets, avenues, highways or squares) into suitable lots or plots and shall advertise and sell the same, at public sale, for the best prices and upon the best terms they can obtain for the same, which sale or sales may be adjourned from time to time at their discretion; all of the purchase moneys and securities shall be received in the name and behalf of the mayor and common council of the city of Newark, and shall be paid over to the said commissioners of the sinking fund, who are hereby invested with full power to collect the same by suit at law or in equity, which moneys when received or collected shall be by them appropriated for the purposes above mentioned; all buildings and all other improvements may be sold as soon as legal possession of the same has been secured as aforesaid; immediately upon the completion of any or all of such sales as aforesaid, the said commissioners first above named shall make a full report of the same to the said common council, who shall thereupon direct the mayor to execute good and sufficient conveyance to the purchasers, in the name and under the seal of said city.

Proceedings in case proceeds of sale are insufficient to pay principal and interest of bonds issued.

5. *And be it enacted*, That if the proceeds of said sales shall be insufficient to pay the principal and interest of the bonds which may have been issued as aforesaid, and all costs, charges and expenses, to which the said commissioners first above named, or the said city of Newark, may be subjected to by virtue of any proceedings had or taken under this act, the said commissioners first above named shall, whenever the said common council shall so direct, proceed to make a just and equitable assessment of such deficit, including all probable subsequent costs, charges and expenses, upon the owner or owners of all the lands and real estate adjacent or contiguous to the lands and real estate so purchased or acquired as aforesaid, in proportion, as nearly as may be, to the advantage each shall be deemed to have received by reason of the proceedings authorized by this act; they shall make a report in writing of the assessments so made, and before proceeding to sign the same they shall place the said report in their office, and give ten days' notice, by advertisement in two daily newspapers of said city, of the time when and place where said report may be examined, and parties interested be heard by said commissioners; after hearing the parties, the said commissioners first above named shall proceed and complete the said report and sign the same, and

Report of assessments to be made.

present it with all objections which have been made to them in writing, to the said common council, who shall thereupon examine the matter, and may ratify the said report and assessments, or return the same to the said commissioners for a reconsideration by them; after the same shall be again, by said commissioners, presented to said common council and ratified by them, and filed in the office of said city clerk, the said assessments shall be final and conclusive, and such subsequent proceedings for the collection of said assessment, shall be had as are provided by law in the case of other assessments for benefits, except that when said assessments shall be collected or paid, they shall be paid over to the said commissioners of the sinking fund for the purposes aforesaid.

Assessments  
binding on  
lands.

6. *And be it enacted*, That if the proceeds of said sales shall be more than sufficient to meet the payments and all the costs, charges and expenses above mentioned, the said commissioners first above named shall proceed to distribute the said surplus pro rata among the owners of the lands and real estate so purchased or acquired as aforesaid.

Distribution of  
proceeds.

7. *And be it enacted*, That the said commissioners are hereby also fully empowered and directed to grade all or any portion of the lands and real estate so purchased or acquired by them as aforesaid, or the title to which shall be vested in the said the mayor and common council of the city of Newark under and by virtue of this act; and also to grade and curb the whole or any portion of the streets, avenues, highways or squares which they shall project and lay out upon and across said lands and real estate as aforesaid.

Commission-  
ers to grade  
and curb.

8. *And be it enacted*, That the whole amount of the costs and expenses of grading the lands and real estate above mentioned, and of grading and curbing such portion of any of such streets, avenues; highways or squares as shall lie in front of any lands purchased by or the title to which has been or shall be vested in the said the mayor and common council of the city of Newark, under and by virtue of this act, shall be paid by said commissioners out of the proceeds of the sale of the bonds above mentioned, and shall be held to be included in and a part of the costs, charges and expenses mentioned in section five and the other sections of this act, and shall be included in the assessment provided for in said section five, in case any assessment shall be made.

Costs and ex-  
penses of  
grading and  
curbing in  
front of lands  
owned by city,  
how paid.

9. *And be it enacted*, That the whole amount of costs and expenses of grading and curbing such portion of any of said



Costs and expenses of grading and curbing on lands not purchased by city to be paid to commissioners by council.

streets, avenues, highways or squares as shall lie in front of any lands or real estate not purchased by and the title to which is not vested in the said the mayor and common council of the city of Newark as aforesaid, shall be paid to the said commissioners named by the said the mayor and common council of the city of Newark, upon the certificate of said commissioners of the completion of said work, approved by the city surveyor of said city, and shall be a lien upon said lands and real estate; and the said common council having ascertained the whole amount of said costs and expenses, shall cause an assessment thereof to be made by the city surveyor of said city, which said assessment and all subsequent proceedings for the collection of the same shall be made and taken and conducted in all respects in the manner now provided by law in case of other similar assessments for improvements made by said common council.

Commissioners to take oath

10. *And be it enacted*, That the said commissioners first above mentioned, before they enter upon the performance of their duties as herein provided, shall take and subscribe an oath or affirmation before the city clerk or mayor of said city, to perform all the duties required of them by this act, fairly and impartially, according to the best of their skill and judgment; vacancies in the number of said commissioners first above named shall be filled by the said common council as is provided by law in similar cases; said commissioners first above named are hereby authorized to employ such surveyors and other assistants as they may deem necessary; and all costs and expenses shall be paid by the said commissioners of the sinking fund out of any moneys received by them as aforesaid, upon the certificate of the commissioners first above named, and the said commissioners first above named shall out of the same moneys and from the said commissioners of the sinking fund, receive such compensation for their services as may be fixed by the said common council.

May appoint surveyors, &c.

Compensation

11. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXVII.

An Additional Supplement to an act entitled "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

WHEREAS, by the act of incorporation of the town of Union, Preamble.  
in the township of Union, in the county of Hudson, approved March twenty-ninth, eighteen hundred and sixty-four, certain provisions were made for the sale of property for unpaid taxes and assessments; and whereas, certain defects appear in the declarations of sale given by the council of said town to the purchasers of land for unpaid taxes and assessments, and in the minutes and proceedings of said council; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all declarations of sale heretofore given by the council of said town of Union shall be considered as valid and effectual in law as if all and every requirement of the town charter had been faithfully and fully complied with, notwithstanding any error, defect or omission therein or thereby, by reason of the advertising or sale of said property; and the purchasers thereof, or any person or persons holding under an assignment from any purchaser, or who may have redeemed the same, shall be vested with full and free enjoyment of said property for the term for which the same was purchased. Declaration of sale declared valid.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be a public act and take effect immediately. Repealer.

Approved April 4, 1872.

## CHAPTER DLXVIII.

## An Act for the relief of the Mayor and Council of the city of Hoboken.

Preamble.

WHEREAS, Frederick E. Rowald, late city clerk of the city of Hoboken, assumed and exercised the duties of said office, without being duly qualified as required by law; and whereas, certain lands and real estate of said city were sold by the mayor and council of said city, under the direction or supervision of said late clerk de facto, and the declarations of such sales have, as yet, not been issued to the purchasers thereof; and whereas, certain ordinances of said mayor and council have not been recorded in the ordinance book and signed by the clerk as required by law; therefore,

Declaration of  
sale and other  
papers bind-  
ing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all certificates, declarations of sale, and other documents and papers, witnessed, attested or signed by said Frederick E. Rowald as city clerk of said city of Hoboken, be and the same are hereby ratified and confirmed, and that the same shall be considered as effectual and binding in law as if said Frederick E. Rowald was duly qualified as required by law.

City clerk to  
sign, witness,  
&c. ordinances

2. *And be it enacted*, That it shall be lawful for the city clerk of said city, appointed by the mayor and council of said city for the unexpired term, or his successor in said office, to sign, witness and attest all warrants, certificates, declarations of sale, ordinances, and all other matters and things by law required to be signed, witnessed or attested by the city clerk of said city, and which should have been signed, witnessed or attested before the present incumbent of said office was appointed; and that all such warrants and certificates, declarations of sale, ordinances and all other documents, matters and things so signed, witnessed or attested by the present incumbent of said office of city clerk, or his successor, shall be as valid, effectual and binding, as if the same had been signed, witnessed or attested at the proper time by his predecessor in said office, and he had been duly and fully qualified as required by law.

3. *And be it enacted*, That all acts and parts of acts Repealer. inconsistent with this act are hereby repealed, that this shall be deemed a public act and shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXIX.

An Act to better enable the inhabitants of the township of Lumberton, county of Burlington, to control the expenditures of their road overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of roads in said township of Lumberton shall not expend more than seven hundred dollars annually upon the roads of the township without a written order from the township committee, said sum to be equally divided between the two road districts. Amount of money to be expended by overseers of roads.

2. *And be it enacted*, That it shall not be lawful for either of the road overseers to plow or machine-ditch, or cause to be plowed or machine-ditched, any of the public roads after the first day of September, annually, nor do any other work on said roads, except in cases of necessity, to mend washes or breaks, without a written order from the township committee. Unlawful to plow or machine-ditch road unless ordered by committee.

3. *And be it enacted*, That this act shall be considered a public act, and shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXX.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Rahway," approved March twenty-third, eighteen hundred and sixty five.

Police Justices to have power of justices of the peace.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the police justice of the city of Rahway, or any of them, shall have the same jurisdiction and powers in all criminal cases and in all cases relating to bastardy, relief, removal and settlement of the poor, and vagrancy, and disorderly persons which any one or more justices of the peace in said city have, and in every case whatever may issue subpoenas ad testificandum into any county throughout the state, and may enforce obedience to the same as justices of the peace now are authorized to do.

Policemen may serve all writs.

2. *And be it enacted*, That in all causes or proceedings before any of said police justices, the policemen of said city may serve all writs issued therein, and may execute all the processes, and obey all commands of any of said police justices in the same manner as constables are authorized to do in the courts for the trial of small causes, and may receive the same compensation therefor.

Council may borrow money and issue bonds to erect school buildings.

3. *And be it enacted*, That in order to purchase land for school purposes, and to improve the same, and to erect school buildings thereon, the common council of said city may borrow money therefor, to an amount not exceeding at any one time, fifty thousand dollars, and issue bonds in payment thereof, and may assess and collect by tax such amount from time to time as may be necessary to meet the payment of said bonds; and for that purpose, and for such purposes as said common council are now authorized by law to raise money by tax, the eighteenth section of the supplement to the act to which this is a further supplement, approved March seventeen, eighteen hundred and seventy, is hereby amended by substituting the words "two hundred" in the place of "one hundred."

Amendment.

4. *And be it enacted*, That the thirteenth section of the act to which this is a supplement, is hereby amended by

adding at the end thereof the following: "*provided further,* Amendment. that when any property owners liable for assessments shall petition the common council for an extension of time for the payment thereof, said common council may authorize the issuing of bonds for the benefit of all such owners, who at the time of issuing such bonds, shall pay to the treasurer the interest then due upon their assessments, and all assessments so extended shall be chargeable with their pro rata share of the discount and interest on such bonds, which shall be a lien upon property in the same manner as the original assessments; and whenever the common council postpone the collection of any assessment under this section, they may renew any bonds that fall due before the payment of such assessments; and at any time before such assessments fall due, or before the expiration of the extended time, may require by resolution such assessments to be paid by yearly installments, and on the failure of the payment of any such installments, the whole assessment of the person so failing shall become immediately due."

5. *And be it enacted,* That whenever the common council of said city shall desire to give to the courts having jurisdiction over violations of the ordinances of said city, a discretion as to the measure of the punishment for such violation, they may do so, and may prescribe the limits of such discretion of ordinances relating to such violations; and no ordinance heretofore or hereafter to be passed, giving such discretion, shall be invalid by reason thereof. Council may give courts discretion as to punishment.

6. *And be it enacted,* That all of that part of Riverside road lying between Bridge street and Grand street be and the same is hereby vacated. Part of road vacated.

7. *And be it enacted,* That it shall be the duty of the common council of said city to cause city atlas maps to be made, in which shall be laid down all the lands lying within the limits of said city, so sub-divided, marked and numbered as to indicate with an index or register the names of the owners of all the tracts, plots or lots or real estate in said city, said maps to be known and designated as the city atlas. City atlas map to be made.

8. *And be it enacted,* That the city engineer shall have the custody of the city atlas, and shall keep a book in which he shall register the names of the several tract, plot and lot owners, and specify the lots owned by them, respectively, so far as he can ascertain the same; and whenever thereafter the owner of any plot or lot shall sell the same, or any part Duties of city engineer.

thereof, the purchaser shall, within thirty days thereafter, under such penalties for neglect or refusal as the common council may by ordinance prescribe, present the deed of conveyance thereof to the city engineer, who shall record in said register the date thereof, and the name of the person by and to whom the said conveyance was made; and when part of a plot or lot designated in said atlas shall have been conveyed, it shall be the duty of the city engineer to mark on said atlas the part so conveyed, and to enter in his register the name of the grantee of such part; the common council shall fix by ordinance the fees which the city engineer shall be entitled to receive for his services under this section.

City assessor  
to assess value  
of each lot on  
city atlas.

9. *And be it enacted*, That as soon as the said atlas maps are prepared, it shall be the duty of the assessors at large for said city, appointed by the common council, to affix to each plot or lot and each sub-division thereof, as the same stands recorded on the city atlas, distinguishing the same by their marks or numbers, the fair value of each plot, lot or sub-division, and enter the said valuation in a book provided for that purpose, and in each and every year hereafter the said assessors at large shall make and affix the said valuations to each lot as aforesaid, and complete the same on or before the twentieth day of April.

District assess-  
sors, duties of

10. *And be it enacted*, That there shall hereafter be elected for said city two assessors, to be chosen from districts; the first and fourth wards shall constitute the first district; and the second and third wards shall constitute the second district; the district assessors, with the assessors at large, shall compose the board of city assessors; and shall also constitute the representation for the city of Rahway in the county board of assessors; the said district assessors shall possess the powers, and perform the duties heretofore enjoined, upon ward assessors except as herein otherwise provided.

District assess-  
sors to adopt  
valuation  
made by city  
assessor.

11. *And be it enacted*, That the district assessors for the said city shall adopt the valuations made by the assessors at large, in valuing the real estate of said city for the assessment of taxes; but if after such valuation any sub-division shall be made of any lot, and such sub-division shall be marked on the city atlas, said sub-division shall be assessed separately, and shall be valued for so much of the valuation of the whole lot as its proportional value bears to the value



of the remainder of the lot, such proportion to be determined by the assessors at large.

12. *And be it enacted*, That the district assessors shall so arrange their duplicates, as to specify therein, by their letters and number on the city atlas, the several lots or sub-divisions of lots assessed, with the valuation thereof, the amount assessed thereon, and the name of the owner thereof, as shown by the register kept by the city engineer, to the end that each lot, and the amount assessed upon it, may be clearly ascertained and identified; and all assessments for taxes shall be made upon the lots and sub-divisions as they appear at the time upon the city atlas; and each lot or sub-division shall be liable for the whole tax assessed thereon.

Duplicate to specify particularly all lots, &c.

13. *And be it enacted*, That the board of city assessors, in case they have reason to believe that any persons have been assessed at too low a rate, shall have power to require such persons to render an account of their taxable property, in such manner as the said board shall direct; all statements made by persons claiming deductions for debts shall be laid before said board by the district assessors, and no deduction for debts shall be allowed unless such statements are duly made and lawfully authenticated.

Persons claiming deductions to make statement.

14. *And be it enacted*, That in advertising any lots or tracts of land for unpaid taxes or assessments, it shall be sufficient to describe said lots or sub-divisions of lots, by the letters and numbers, and streets by which they are distinguished in the city atlas, together with the name or names of the owners thereof, and the omission or mistake in the name of such owner, either in the city atlas or register, or by the district assessor, or in any of the proceedings taken to enforce the collection of the tax or assessment, shall not be invalidated thereby.

Advertising of sale of lots for unpaid taxes, how made.

15. *And be it enacted*, That if at the meeting of the county board of assessors, held for the purpose of adjusting the quota of tax to be raised in each city or township in the county of Union, it shall appear that the valuation of real estate in the city of Rahway is relatively greater than the assessed value of the real estate in any other township or city in said county, it shall be the duty of said board of assessors to comply strictly with the provisions of the twelfth and thirteenth sections of the supplement to the "Act concerning taxes," approved April eleventh, eighteen hundred and sixty-six, so that the quota of taxes for the city of

County board of assessors.

Rahway shall be relatively equal to the quota apportioned to the other cities and townships of the county of Union.

Public park.

16. *And be it enacted*, That the triangular plot of land in said city bounded by Bryant street, Milton avenue and Commerce street, is hereby laid out as a public park, and the commissioners appointed for the purpose of making an assessment for the costs, damages and expenses for said park, may assess such portion of said costs, damages and expenses upon the city of Rahway as they shall deem proper.

Treasurer may appoint an assistant.

17. *And be it enacted*, That the duties required to be performed by the city treasurer by the act to which this is a further supplement, and any supplement thereto, in making sales for unpaid assessments, and in tendering money for awards to owners of real estate for damages for lands taken or buildings destroyed or to be removed, may be performed by an assistant to be appointed or delegated for the purpose by said treasurer.

Salaries, &c., how paid.

18. *And be it enacted*, That the salaries or fees of all city and ward officers, whose compensation or fees are defined by law or ordinance, and all demands against said city based on duly authorized contracts signed by the mayor, may be paid on the report of the auditor and treasurer by the warrant of the mayor, countersigned by the city clerk, without an order of the common council.

Amendment.

19. *And be it enacted*, That the third section of the supplement to the act to which this is a further supplement, which supplement was approved April ninth, eighteen hundred and sixty-seven, be amended by striking out the words "assume by special contract," and substituting therefor the word "exempt."

Fees of receiver of taxes and treasurer.

20. *And be it enacted*, That the receiver of taxes and city treasurer for the said city shall be entitled to receive one and one-half per centum on all moneys received or collected by them, the said per centum to be computed from the commencement of the term of office of the present incumbents; and so much of the sixty-ninth section of the act to which this is a further supplement, as authorizes a commission of two per centum on moneys paid into the city treasury is hereby repealed.

Repealer.

No member of board of education to hold office, &c.

21. *And be it enacted*, That no member of the board of education for said city shall be competent to hold any office the salary or emoluments of which are paid from the appropriation for the support of the public schools for said city;

nor shall any member of said board be interested, directly or indirectly, in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is paid from the city treasury, for the purchase of land, the erection or repairs of school buildings, or for any other educational object, for which appropriations are made by the state or the common council of said city, under the penalty of five hundred dollars, to be recovered by suit, in the name of the "Treasurer of the City of Rahway."

No member to be interested in any contract.

22. *And be it enacted*, That so much of all acts, or parts of acts, as are inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXI.

A Supplement to an act entitled "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

WHEREAS, George Neuscheler, junior, deceased, was for a long time previous, and up to the time of his death, to wit: in the month of December last, town clerk of the town of Union; and whereas, said Neuscheler did for a long time prior to his death, and while acting as said town clerk, neglect to sign the minutes and proceedings of the council of said town; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the present clerk of the town of Union, appointed to fill the vacancy created by the death of George Neuscheler, junior, is hereby empowered to sign the minutes of the proceedings of the council of the town of Union, which said Neuscheler neglected to sign during his lifetime, and while acting as clerk of said town; and said minutes when so signed by said present incumbent shall for

& Preamble.

Present clerk empowered to sign minutes of council, and minutes declared valid.

all purposes be considered as valid as if signed by said Newscheler during his lifetime.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXII.

A Supplement to an act entitled "An Act to incorporate the town of Absecon, out of parts of Galloway and Egg Harbor townships, in the county of Atlantic," approved February twenty-ninth, eighteen hundred and seventy-two.

Boundaries.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all those parts of Galloway and Egg Harbor townships, in the county of Atlantic, contained within the following limits to-wit: beginning at the bay or sound, in the township of Egg Harbor, in a line with the north line of Mark Reed, and the south line of Job Chamberlin's land; thence westerly, following the course of the said line, and the several courses thereof to where it intersects with the shore road; thence along the shore road to the road leading from Jonathan Babcock's to Absalom Doughty's mill; thence westerly along the said road, the several courses thereof, to where it intersects with the road leading from Pleasantville to said mills; thence in a northwest course to a stake, which stands in a southwest course from where the road leading from Absecon to Egg Harbor City, crosses Clem's branch; thence in a course northeast to a stake which stands in a northwest course from where the line dividing the lands of Daniel Steelman and Ezra Conover intersect the shore road; thence in a course southeast to the shore road; thence following the line dividing the lands of Daniel Steelman and Ezra Conover, to a stake at the upland and meadow edge; thence southeast to the bay or sound; thence along the said bay or sound, the several courses

thereof, to the place of beginning, the foregoing boundaries shall constitute the boundaries of the town of Absecon in the county of Atlantic.

2. *And be it enacted*, That so much of the act to which Repealer. this is a supplement as conflicts with this act be and the same is hereby repealed.

3. *And be it enacted*, That this act be deemed a public act, and that it take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXXIII.

A Further Supplement to the act entitled "An Act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the "Essex Public Road Board," and the said board is hereby authorized and empowered to macadamize according to the Telford process to a width of not more than twenty feet upon each, so much and such parts of the carriage ways of the several avenues mentioned and defined in the first section of the act supplemental to the above entitled act, which said supplemental act was approved February sixteenth, eighteen hundred and seventy, as lie within the following bounds, to wit: the carriage way of Frelinghuysen avenue from the Newark city line to the Union county line; of Springfield, South Orange, Park and Bloomfield avenues, severally, from the Newark city line to the summit of the first mountain, and of Washington avenue from the Newark city line to the Passaic county line, in such manner and with such materials as the said board shall judge best for the public interest, and that the cost thereof, including all expenses connected therewith, shall be assessed and paid in the same manner as now

Board authorized to macadamize carriage ways a certain width.

Frelinghuysen avenue.

Washington avenue.

Proviso.

provided by law in respect to the laying out, opening and constructing of the said avenues; *provided, however*, that such part of said cost and expenses as shall be raised and paid in the city of Orange, shall be certified by said road board unto the board of assessments of said city, and shall thereupon be assessed and collected, and shall be a lien upon lands and real estate in the same manner as assessments for laying out and opening streets in said city are or shall be made.

Majority of owners may petition.

2. *And be it enacted*, That whenever a petition in writing shall be presented to said board, signed by the owners of a majority of the land, counting by lineal measurement, on the line of any of the portions of said avenues designated in the first section of this act or upon any portions or sections thereof as may lie between two points named in said petition, requesting to have so much of the carriage way as lies between the said points named, as may not be macadamized or determined so to be by said board at the date of said petition, macadamized, the said board may proceed to macadamize the same, and to prescribe the manner in which said work shall be performed and to cause the expense thereof, when the same shall have been ascertained, to be assessed on the adjoining land, the basis being the lineal measurement thereof, laying between the points designated in said petition, and the proceedings for the collection of said assessment shall be the same as is provided in the fifth section of the act supplemental to the act to which this is a supplement, which said supplemental act was approved February second, eighteen hundred and seventy-one, in relation to the assessments therein provided for.

Board may macadamize and assess expense on lands

May make contract with owner for the removal of any building.

3. *And be it enacted*, That it shall and may be lawful for said board, whenever in their judgment it shall be advisable or conducive to the public interest to contract with the owner or owners of any buildings or parts of buildings, which it is or may become necessary for them to remove in the prosecution of their work, for the removal of the same by the said board without the appointment of appraisers to assess the damage sustained by such owner or owners, on account of the removal of any such buildings or parts of buildings, and to pay such damage agreed upon to such owner or owners, out of any moneys set to the credit of the said board for the purposes mentioned in the sixteenth section of the act to which this act is a supplement; and the said board may in

Assessment of damages to owner to be paid.

like manner contract with and pay the owners thereof for any parcels or gores of land which have been or may be inadvertently omitted in the surveys of said board, and which it is or may become necessary for them to acquire, and may also in like manner contract with and pay the owners of land and other property which may be damaged by reason of the alteration of the grade on any of said avenues by said board.

4. *And be it enacted*, That all appeals which may hereafter be taken from the awards of appraisers or commissioners, who have been or may hereafter be appointed to assess damages under any of the provisions of the act to which this is a supplement, or the several supplements thereto, shall be so taken within sixty days from and after the date of the filing of the report of any such appraisers or commissioners, and either party to any appeal so taken may notice the same for trial. Appeals from award of appraisers, when made.

5. *And be it enacted*, That the said board shall have power, before construction, to make partial alterations in the surveys and location of any of said avenues in any such part or parts thereof as to the said board may seem desirable; and in case said board shall make any such alteration or relocation, they shall cause a map of such alterations to be filed in the same manner and in the same office or offices, as the original survey is required to be filed, and shall be marked and designated as an amended survey, and from the time of such filing shall supersede the original survey; and it shall be lawful for the said board, in case they shall discover any oversights, defects or omissions on the part of the appraisers in returns of appraisements by them made, to recall such appraisers, and thereupon said appraisers shall proceed, as under their original appointment and oaths, to make appraisements of and in respect to such matters as were omitted or defective in their original report, and to file a supplemental report of such new appraisements. Board may make alterations in the surveys, &c. of any avenue.

6. *And be it enacted*, That the second proviso contained in the first section of the act supplemental to the act to which this act is a further supplement, which said supplemental act was approved March twenty-eighth, eighteen hundred and seventy-one, be and the same is hereby repealed. Repealer.

7. *And be it enacted*, That the twenty-first section of the act supplemental to the act to which this act is a further supplement, which said supplemental act was approved February Amendment.



sixteenth, eighteen hundred and seventy, be and the same is hereby amended by striking out the word "three," first occurring in said section, and substituting in lieu thereof the word "four."

Provisions of  
acts and sup-  
plements ap-  
plicable to  
Central ave-  
nue.

8. *And be it enacted*, That this act and the provisions of the original act to which this act is a further supplement, and all the supplements to said original act, except the supplement approved March twenty-eighth, eighteen hundred and seventy-one, shall be and they hereby are extended and made applicable in all respects to the avenue known as "Central Avenue," from the boundary line of the city of Newark to its present terminus at Valley Road, in the township of West Orange.

Repealer.

9. *And be it enacted*, That all acts and parts of acts, so far as they conflict with the provisions of this act, or of the act to which this is a supplement, or of the several supplements thereto, be and the same are hereby repealed; *provided*, that nothing in this section shall be held or construed to alter or affect any of the provisions contained in the charter of the Bloomfield Cemetery Company; and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Proviso.

Approved April 4, 1872.

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## CHAPTER DLXXIV.

### An Act to incorporate the Bloomfield Library Association.

Preamble.

WHEREAS, the persons hereinafter named, and others, residents of Bloomfield, desire to form themselves into an association under the name and title of "The Bloomfield Library Association," for the purpose of founding and perpetuating a public library, with all proper conveniences and appurtenances, and furnishing to the public such other means of improvement in science, art and general literature, as the directors may from time to time deem advisable; and also the erection of a building adapted to the

accomplishment of these objects, which building shall contain a hall for public assemblies, and other appropriate rooms, designed to yield a revenue; and whereas, this association is desirous of an act of incorporation, that its purposes may be more effectually subserved; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That David Oakes, Joseph A. Davis, Moses W. Dodd, Augustus T. Morris, Jacob F. Randolph, Robert Peel, Joseph P. Hague, Charles E. Knox, Warren G. Raynor, Jason Crane, Ebenezer McFarlan, Charles W. Powers, David G. Garrabrant, and such other persons as may become their associates, their successors and assigns, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Bloomfield Library Association;" and said association is hereby authorized to lease, purchase, hold, sell, improve, (by the erection of buildings, or otherwise), or to receive by donation, devise or bequest, and to convey any lands, tenements or personal property whatsoever, and to raise money by loans upon the same by mortgage or otherwise, and to rent out the same, and to receive the rents or emoluments thereof as may be deemed expedient for the purposes of this corporation.

2. *And be it enacted*, That the capital stock of said association, one-tenth part of which shall be expended for the benefit of the library, shall be thirty thousand dollars, with liberty to increase the same to seventy-five thousand dollars, to be divided into shares of twenty-five dollars each, which shares shall be deemed to be personal property, and shall be transferable on the books of the association.

3. *And be it enacted*, That the said corporation shall be managed and controlled by a board of thirteen directors, who shall be stockholders, residing in Bloomfield, elected annually, and in such manner and at such time as may be prescribed by the by-laws of said association; and the first election for directors shall be held in such manner as shall be determined by a majority of the aforesaid corporators, as soon as the stock hereinbefore mentioned to the amount of fifteen thousand dollars shall have been subscribed, and ten per centum of the same paid to the said corporators, upon due written notice having been given by them to the subscribers of the stock of the time and place of holding such election; and in this and every subsequent election each stockholder shall be entitled to one vote for every share of

stock by him, her or them held, not exceeding forty, and one vote for every additional ten shares, either in person or by proxy.

Notice of election to be given to subscribers.

4. *And be it enacted*, That the corporators named in the first section, determined by a majority of the aforesaid corporators, as soon as the stock hereinbefore mentioned to the amount of fifteen thousand dollars shall have been subscribed, and ten per centum of the same paid to the said corporators, upon due written notice having been given by them to the subscribers of the stock of the time and place of holding such election; and in this and every subsequent election each stockholder shall be entitled to one vote for every share of stock by him, her or them held, not exceeding forty, and one vote for every additional ten shares, either in person or by proxy.

May make by-laws, &c.

5. *And be it enacted*, That the corporators named in the first section and their successors, shall have power to enact by-laws for the government and management of its property, purposes, and general affairs, and shall have power to alter, amend, or to repeal the same, or any part thereof, in such manner as the said by-laws may prescribe, and that the said by-laws shall prescribe the manner and time for the election of directors after the first election, and shall state the number of officers of said board of directors and of said association, and prescribe their duties, and the time and manner in which, and the term for which they are appointed, and the manner in which vacancies in the board of directors, or in any of the offices, in whatever way caused, may be filled; and they (the board of directors) shall have power to call in the balance of the capital stock of the association by installments, not to exceed five dollars per share, nor at less intervals than thirty days; to forfeit to the association such installments of money as may have been paid upon subscriptions, provided the balance shall not be paid according to the terms of said subscriptions; or the board of directors may take legal measures to enforce the payments of such sum or sums as may at any time be due on their stock.

Quorum.

6. *And be it enacted*, That seven directors of said corporation shall constitute a quorum competent to transact all business of the corporation excepting such as by the requirements of this act or any by-law of the association, a greater number than seven shall be required.

Dividends.

7. *And be it enacted*, That the board of directors of said

association shall declare, make and pay such dividends to the stockholders, from time to time, out of the profits of the said association as they may deem prudent and proper; but no dividend shall be made except from the net earnings of the association, and none of more than seven per centum per annum while the association is in debt; and all excess of income beyond ten per centum per annum, shall be devoted by the association to the increase of their facilities for intellectual culture.

8. *And be it enacted*, That no state, county, city, township or other public assessments, taxes or charges whatsoever, shall at any time be levied or imposed upon the said association or upon the stocks and estates which may become vested in them under this act, other than their lands and tenements. Association exempt from taxation.

9. *And be it enacted*, That other associations and corporations, like in character, objects and purposes to this association, shall and may have power and authority to subscribe to the stock of this association. Other corporations may take stock.

10. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXV.

### An Act to incorporate the Middlesex Clay and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel D. Craig, Charles Runyon, William I. Lyon, William H. De Camp and William A. Brown, and such others as may hereafter be associated with them, for the purposes hereinafter mentioned, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Middlesex Clay and Manufacturing Company," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of Corporators. Name and powers.

suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatever, and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure, and that they and their successors by the same name and style shall be capable of purchasing, holding and conveying lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of this incorporation.

Election of directors.

2. *And be it enacted*, That the stock, property, concerns and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Monday in June, of each year, at such time of the day and at such place in the state of New Jersey as the by-laws of the said corporation shall direct, and public notice shall be given of the time and place of holding such election, not less than ten days previous thereto, in one of the newspapers printed in the county in which the office is located, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, resignation or otherwise, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority, may appoint.

Vacancies, how filled.

Failure to elect, not to dissolve.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it may be lawful to hold such election on such other day, and in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, in shares of fifty dollars each, and the same may be increased upon the

consent of the stockholders representing a majority of the stock, to any amount not exceeding two hundred thousand dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such portion as they shall deem fit, under the pain of the forfeiture of their shares and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspaper published in the county in which the office is located.

5. *And be it enacted*, That the said company shall be and are hereby authorized and empowered to establish and carry on the business of developing clay and other lands, and of producing and obtaining, manufacturing, transporting and vending clay, sand, minerals and other products from the earth, and for that purpose to purchase, take, receive and hold in fee simple or any less estate or interest in any lands situate in the county of Middlesex, and to mortgage, sell, convey, and dispose of the same or any part thereof, or any interest therein, and to lay, keep and maintain drains through their lands and other contiguous and adjacent lands, for the benefit of their said clay and other lands, and from time to time to deepen or change the same, and to make, construct and maintain a wagon road and railroad, or either of them, from their said lands to the Raritan river, or to any railroad that may be conveniently located in the aforesaid county, for the transportation of clay and other products, goods, wares and merchandise; to purchase, have, use and dispose of such machinery and personal property, and to do such other acts and things, and make all such improvements, buildings and erections, as a successful prosecution of the business of the company may require.

6. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers and others in their employ, to enter at all times upon lands for the purpose of surveying and laying out the route of said roads and locating said drains, or any or either of them, and of subsequently altering the location thereof, and of deepening or changing the same, doing no unnecessary damage to private property; and when the location of any part thereof, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county in which such

Empowered  
to carry on  
business.

May lay, keep  
and maintain  
drains.

May enter on  
lands.

May take  
lands, &c.

May erect via-  
ducts and  
construct  
railroad.

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

lands lie, the officers, engineers, agents, superintendents, contractors, workmen and the persons in their employ, compensation being first made therefor in the manner hereinafter provided, may enter upon, take possession of, and hold, use, occupy and excavate, any such lands, or such parts thereof, as may be necessary for the purposes aforesaid; and may erect embankments, viaducts, and all necessary works thereon, and may construct such wagon road and railroad on and through the same, and may lay rails and do all other things suitable and necessary for the making, completion and repair of said roads, or any or either of them; and may lay, make or repair, and from time to time deepen and alter said drains from their said clay lands, and may carry into full effect the object of this act; and may take and use any stone, gravel, sand, clay or other earth, on or near the said routes, which may be required for the construction of, repairing or altering the said roads or drains, or any of them, or any of their works or appendages, first making compensation therefor, in the manner hereinafter provided.

7. *And be it enacted*, That if the said roads or drains, or any of them, shall go through or cross any lands not owned by said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if by reason of the legal incapacity or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause no such agreement shall be made, a particular description of the lands or materials so required shall be given in writing, under the oath or affirmation of some engineer or other agent or officer of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to a judge of the circuit court of the county where such land or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct, for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of



such notice aforesaid, he shall appoint under his hand and seal, three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said roads or drains, and assess the damages (if any) which may be occasioned by the laying and maintaining the same, or any of them, upon such notice published or given to the person or persons or parties interested as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first taken or subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land and materials as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages (if any) which will be occasioned by laying and maintaining said roads, or any of them, or, as the case may be, by the laying, constructing and maintaining said drains, or any of them, and which said assessments shall be paid by the said company to the party or persons interested, or in case of their absence or incapacity or refusal to receive the same, to the clerk of said county for the use of such party or persons; and which said report shall be in writing, under the hands and seals of the said commissioners, or any two of them, and filed with the aforesaid description of the lands or materials, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein; which report, or a copy of the same, duly certified by said clerk, shall (the appraisement and damages being first paid, or tendered, or deposited in said clerk's office) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land or materials, or to make, construct, maintain and repair the said drains for the purposes aforesaid; *provided always*, that should the owner or owners of any real estate, land or materials, feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision

Report to be  
made and  
filed.

Proviso.

of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs unless a larger sum shall be received than that awarded by the commissioners.

Powers of directors.

8. *And be it enacted*, That the board of directors shall have power to make and adopt a common seal for said corporation; to appoint from their own number or otherwise, a treasurer and secretary, and such other officers, clerks and agents as they may think necessary, and to fix their salaries or compensation; to borrow such sums of money as may seem to them advisable for the purposes of said company, and to issue the bonds of said company therefor, not to exceed in amount two-thirds of the capital stock paid in, and secure the payment of the same by mortgage or mortgages on the lands, estate and other property of said company, or any part thereof, and to make such by-laws not inconsistent with the provisions of this act, as they may think proper, regulating the issue and transfer of stock, and for the general government and management of the affairs of said company; and that the principal office of said company shall be in the city of New Brunswick.

Principal office.

9. *And be it enacted*, That this act shall take effect immediately, and shall continue in force twenty years.

Approved April 4, 1872.

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## CHAPTER DLXXVI.

A Supplement to the act entitled "An Act to incorporate the Dime Savings Institution, of Plainfield, New Jersey," approved April twenty-second, one thousand eight hundred and sixty-eight.

May make contract with borrower for the payment of tax.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "The Dime Savings Institution, of Plainfield," and the borrowers of any money secured by mortgage or other security, to enter into a contract or agreement, whereby the

borrower shall pay all national, state, county or city taxes, which may be assessed upon the money so lent, or to be loaned, and the securities given for the payment thereof, in the possession of the said savings institution; and all such contracts and agreements are hereby declared to be valid and binding in law, and no bond, mortgage or other security shall be held, deemed or taken in any court of this state to be usurious, or in any degree invalidated by reason of any such contract or agreement, anything in any existing law of this state to the contrary notwithstanding.

2. *And be it enacted*, That it shall and may be lawful for the said "The Dime Savings Institution, of Plainfield," to <sup>May loan or invest moneys in bonds.</sup> loan or invest any of the moneys deposited therein, in or upon the bonds of Plainfield School District, Number One, in the bonds of the Plainfield fire department, or in any of the bonds of the city of Plainfield, issued pursuant to any law of this state.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXXVII.

A Further Supplement to "An Act incorporating the New York and Bull's Ferry Railroad Company," approved March fourteenth, one thousand eight hundred and sixty-one, and to the supplement changing the name of said company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the New York and Fort Lee Railroad Company is authorized and empowered to mortgage <sup>Authorized to mortgage road and to issue bonds.</sup> its road, property and franchises, and to issue bonds for such an amount as the board of directors may direct, to enable it to complete the same, or may cause its said road, property and franchises to be embraced in any mortgage made or to be made by any railroad company which shall connect in a

Proviso.

continuous line with the said New York and Fort Lee Railroad, and the bonds issued or to be issued by said company, or the company owning said connecting road, may be disposed of on such terms as may be determined by the said New York and Fort Lee Railroad Company, or said connecting road; and the provisions of any acts or supplements inconsistent with this section are hereby repealed; *provided*, that nothing in this act contained shall interfere with or invalidate any of the rights of the Erie Railway Company, under the contract dated December eighteenth, eighteen hundred and sixty-eight, or under an act of the legislature of this state, passed March twenty-eighth, eighteen hundred and seventy-one.

2. *And be it enacted*, That this supplement shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXVIII.

### An Act to incorporate the New Brunswick Hospital.

Corporators.

NAME.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Stubbs, McRae Swift, Garret Conover, James Bishop, A. D. Lawrence Jewett, Theodore G. Neilson, William H. Acken, Henry L. Janeway, Richard H. Steele, John Clark, Arthur G. Ogilby, Clifford Monogh, Henry R. Baldwin, Charles Dunham, junior, John N. Taylor, George C. Ludlow, James Neilson, Woodbridge Strong, David Bishop, Lucias P. Porter, Chester D. Hartmanft, Goyn D. McCoy, Henry De Hart, Abraham Voorhees, Lyle Van Nuis, and such persons as may hereafter associate with them, in such manner and upon such terms as shall be specified in their by-laws, be and are hereby constituted a body corporate and politic, by the name of "The New Brunswick Hospital," and by that name may sue and be sued in any court of law or equity, and shall be capable of taking by direct purchase or otherwise, and of holding, conveying or otherwise disposing of any real or personal estate for the

uses and purposes of said corporation, but the net annual income of such estate shall not exceed fifty thousand dollars, nor be applied to any other purposes than those for which the said corporation is created.

2. *And be it enacted*, That the objects of the said corporation are to establish and maintain in the city of New Brunswick in this state, a hospital for the reception and treatment of all such persons as may require medical or surgical treatment with the privilege of a dispensary for supplying medicines. Objects.

3. *And be it enacted*, That the members of the said corporation at any annual meeting to be held at a time and place to be fixed by its by-laws, shall elect from their own number by ballot, a board of managers who shall hold office for one year and until their successors shall have been elected; the number constituting the board shall be fixed by its by-laws, and a majority of all votes cast shall be necessary to the election of any member of the board. Election of managers.

4. *And be it enacted*, That the board of managers shall elect from their body as soon as convenient after each annual election, a president, a vice president, a secretary and treasurer, who shall hold office for a year and until their successors shall have been elected; and for the purposes of this incorporation the persons named in the first section of this act shall constitute the first board of managers, and hold office until the first annual meeting and until their successors shall have been elected. Officers.

5. *And be it enacted*, That the said board shall also annually elect such and so many physicians and surgeons as they shall deem necessary to conduct and carry out the object of the institution, but such physicians and surgeons shall always be subject to the by-laws and regulations to be from time to time made and adopted by the board. May elect annually physicians and surgeons.

6. *And be it enacted*, That the board of managers shall be empowered to transact the business of the corporation, to fill vacancies in the board until the next annual election, to make by-laws for the government of their proceedings, the management and disposition of the property and concerns of the corporation, and the admission of members, and to appoint such officers, assistants and servants as they may deem necessary. Powers, &c.

7. *And be it enacted*, That nine managers shall be competent to transact business at any meeting of the board; Business, by whom transacted

Proviso.

*provided*, that a written or printed notice of such meeting shall have been previously given to each member or left at his residence or ordinary place of business; but for the sale or alienation of property, or the leasing of its real estate for a term of more than a year, or for the discharge or suspension of any elected officer, physician or surgeon, the approval of a majority of all the members of the board shall be necessary.

8. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXIX.

### An Act to equalize taxation.

Preamble.

WHEREAS, the railroad and works of the Cape May and Millville Railroad Company and the railroad and works of the Swedesboro Railroad Company are now operated under the direction and control of the West Jersey Railroad Company; and whereas, the charters of said "The Cape May and Millville Railroad Company," "The Swedesboro Railroad Company" and "The West Jersey Railroad Company" each contain different provisions and regulations touching the payment of taxes by said several companies; and whereas, it is necessary and desirable to harmonize said charters, and to equalize the taxation of said several corporations; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the same regulations and provisions touching the assessment and payment of taxes as are prescribed in an act entitled "An Act to incorporate the West Jersey Railroad Company," approved on the fifth day of February, anno domini one thousand eight hundred and fifth-three, shall be extended and apply to the assessment and payment of taxes by said "The Cape May and Millville

Railroad Company" and said "The Swedesboro Railroad Company."

2. *And be it enacted*, That all acts and parts of acts in- Repealer.  
consistent with this act, be and the same are hereby re-  
pealed, and that this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXXX.

An Act to incorporate the Crystalline Lime and Marble Com-  
pany.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James B. Titman, Henry N. Corporators.  
Beach, Andrew Derrom, John Pope and W. J. Johnson, and  
their associates, be and they are hereby created a body  
politic and corporate in fact and in law, by the name and  
style of "The Crystalline Lime and Marble Company," for Name.  
the purpose of manufacturing lime, marble, brick, tile and  
peat, and selling and dealing in the same; and for such  
purpose, the said company shall or may raise by subscription,  
by opening the books therefor, or otherwise, a capital stock  
of twenty-five thousand dollars, to be divided into shares of Capital stock.  
one hundred dollars each, with the privilege of increasing  
the same from time to time, to any amount not exceeding  
fifty thousand dollars; and it shall be lawful for said com-  
pany to issue certificates of stock, in whole or in part in pay-  
ment for any real or personal property purchased or leased  
by said company for the purposes of their business aforesaid,  
and may commence business when fifty per centum of the  
capital stock is subscribed and paid.

2. *And be it enacted*, That the said corporation may pur- May hold real or personal es-  
tate, &c.  
chase, lease, use, hold, possess and enjoy such real estate as  
they may deem necessary or expedient for the purposes of  
said corporation, and may sell, mortgage, lease or otherwise  
dispose of the same at pleasure; and may borrow money and  
issue bonds therefor, not to exceed at any time two-thirds of



their capital stock ; and may sue and be sued in all courts of law and equity ; and may have and use a common seal, and may change and alter the same at pleasure ; and may make such by-laws for their regulation and government as they may see proper ; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Proviso.

Election of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others are chosen to fill their places ; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct ; and until such annual election shall take place, the five persons named in the first section of this act, being stockholders, shall be directors of said corporation ; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters brought before them shall be decided by a majority of votes ; and in case a vacancy shall occur in the board of directors, by death or resignation, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancies, how filled.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, such notice being given of the time and place of such election as the by-laws shall prescribe.

Empowered to construct a railroad.

5. *And be it enacted*, That the said corporation shall be, and is hereby authorized and empowered to construct a railroad over their lands, and over contiguous lands, with consent of the owners ; or if, for any reason, no agreement can be made for the use or purchase thereof, then a particular description of the lands so required shall be given, in writing, under the oath or affirmation of some engineer or other agent or officer of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner

Proceedings in case company and owners cannot agree.

or owners, if known, and their residence, if the same can be ascertained, to a judge of the circuit court of the county where such land may be, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named : at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three impartial and judicious freeholders, resident in this state, commissioners to examine and appraise the said land for said roads, and assess the damages (if any) which may be occasioned by the laying and maintaining the same, upon such notice published or given to the person or persons or parties interested as shall be directed by said judge ; and it shall be the duty of said commissioners, or a majority of them, having first taken or subscribed an oath or affirmation, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages (if any) which will be occasioned by laying and maintaining said roads, and which said assessment shall be paid by the said company to the party or persons interested, or in case of their absence or incapacity or refusal to receive the same, to the clerk of said county for the use of such party or persons ; and which said report shall be in writing, under the hands and seals of the said commissioners, or any two of them, and filed with the aforesaid description of the lands, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein ; which report, or a copy of the same, duly certified by said clerk, shall (the appraisement and damages being first paid or tendered or deposited in said clerk's office) at all times to be considered as plenary evidence of the right of said company to hold, use, occupy, to make, construct, maintain and repair the said road for the purposes aforesaid ; *provided*

- Proviso.** *always*, that should the owner or owners of any real estate or land feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs, unless a larger sum shall be received than that awarded by the commissioners.
- Annual statement.** 6. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained; *provided*, that the railroad hereby authorized to be constructed shall not exceed one mile in length.
- Proviso.**
- Principal office.** 7. *And be it enacted*, That the principal office of the said company shall be in the county of Sussex or Passaic, and that the regular books of account shall be kept in the said office, to which books of account any stockholder may have free access, at all reasonable times, for the purposes of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.
- How dissolved** 8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least two-thirds in value of the stockholders shall concur therein, and upon such dissolution, the directors, for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.
- Proviso.**
- General powers.** 9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions, set forth in an act entitled "An Act concerning corporations," approved February fourteenth, one

thousand eight hundred and forty-six, so far as the same may be applicable.

10. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXXI.

An Act to incorporate the Lake Land Improvement Company of Monmouth County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Remsen, Forman Osborn, Frank A. Page, Paul Thurlow, A. A. Higgins, Francis Corlies, Edwin L. Bodine, William Harkness and William H. Conover, senior, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name of "The Lake Land Improvement Company of Monmouth county," and by that name shall be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal estate, in the county of Monmouth, as may be necessary and expedient to the objects of this incorporation; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the said purposes.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected, and that the said directors shall be chosen on the first Monday of June in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy;

and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Monmouth; and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the said directors may appoint all agents, officers and superintendents, and make such compensation and assign such duties to the said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or

Vacancy, how filled.

First directors

vacancies occur, from any cause whatever, among the directors of said company, such vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and until other directors are chosen from the stockholders, the first directors shall be John Remsen, Forman Osborn, Frank A. Page, Paul Thurlow, A. A. Higgins, Francis Corlies and William H. Conover, senior, who shall hold their office until the first Monday of June next, or until others are legally chosen.

Capital stock. 3. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as one hundred shares of the capital stock shall have been subscribed, and the sum of twenty-five dollars on each share so subscribed, paid or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, and at such times, and in such proportions, as they shall deem proper, not exceeding one hundred and fifty dollars on each share at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Monmouth, or be given in writing, to the stockholders for the same length of time before such installments are required to be paid; and in case of the failure of any stockholder to pay his or her installment, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares and of all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain

Failure to pay installments, stock may be forfeited.

open in the said county of Monmouth, as long as the directors shall appoint; notice begin given previous thereto, for two weeks, in a newspaper printed in said county, and the shares of the said capital stock shall be deemed personal property, and be transferable, in such manner as the corporation in their by-laws shall direct.

4. *And be it enacted*, That the said company is hereby authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable. May let, lease, mortgage and sell real estate

5. *And be it enacted*, That the majority of the directors for the time being, shall form a board for the transaction of the business of the said corporation, and shall have full power to make such by-laws, ordinances and regulations as they shall deem necessary and convenient for the management or disposition of the stock, effects and concerns of said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States, or of this state. May make by-laws. Proviso.

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct. Failure to elect directors not to dissolve

7. *And be it enacted*, That the legislature may at any time amend, alter or repeal this act. Act may be repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXXXII.

A Supplement to amend an act entitled "A Supplement to an act entitled 'An Act to amend an act entitled 'An Act to incorporate the Cumberland and Atlantic Railroad Company,'" approved April fourth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Mays Landing and Western Railroad Company is hereby authorized to build its railroad from its present terminus at or near Mays Landing, in the county of Atlantic, to some point on Absecon Beach, in the township of Egg Harbor.

Authorized to build and extend railroad.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXXXIII.

An Act to incorporate the Citizens' Market and Hall Association, of the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nehemiah Perry, James M. Durand, John McGregor, Caleb S. Titsworth, William B. Mott, Theodore Runyon, Samuel S. Tiffany, Luther Spencer Goble, David A. Hayes, Francis F. Patterson and Theodore Macknet and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created shall be, and they and their successors are hereby made, constituted and declared to be a corporation and body politic in fact and in law, by the name, style and

Corporators.



title of "The Citizens' Market and Hall Association, of the City of Newark." Name.

2. *And be it enacted*, That the object of said incorporation shall be the establishment and maintenance of public markets and public halls or assembly rooms for the accommodation of the public, in such places in the said city of Newark as may be deemed needed and advisable by the incorporators of same; and for the purposes aforesaid said incorporation, by their corporate name, shall have power to lease, purchase and hold real estate in the city of Newark, aforesaid, and to erect and maintain thereon such building or buildings and other improvements as may be required to carry out and promote the immediate objects of their incorporation; and it shall further be lawful for them to convey by deed or by mortgage, to use and permit to be used, or to lease such part or parts of any property, building or buildings leased, erected or owned by them as shall not be necessary for the immediate objects of their incorporation. Authorized to build and maintain public markets and halls. May convey lands.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be subscribed for and paid in at such time or times, in such manner and in such installment or installments, and upon such notice as the said corporation may by by-laws or otherwise direct or appoint; and in case of a failure by any stockholder to pay his or her installment or installments at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon to the use of said corporation; *provided*, said company shall not commence business until the sum of twenty-five thousand dollars is actually paid in. Capital stock. Failure to pay installments to forfeit shares. Proviso.

4. *And be it enacted*, That the government of said corporation and the management and disposition of its stock, property and concerns, shall be vested in the directors thereof, who shall be elected from among the stockholders in such manner as the by-laws of said corporation shall prescribe, and shall not be less than seven in number; and the said directors shall appoint from among themselves a president, secretary and treasurer, and the directors and officers aforesaid of said corporation shall hold their offices until others are elected and duly qualified in their stead. Affairs, how managed.

Books of account to be kept.

Stock, how transferable.

Debt not to exceed certain amount.

5. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book kept by the directors for that purpose.

6. *And be it enacted*, That the whole amount of debt which the said corporation shall at any one time owe, shall not exceed the amount of the capital stock subscribed for.

7. *And be it enacted*, That this act shall go into effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXXIV.

A Further Supplement to the act entitled "An Act to incorporate the Dime Savings Bank, of Somerville, New Jersey," approved March twenty-seventh, eighteen hundred and seventy-one.

May make contracts or agreements with borrowers to pay taxes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "Dime Savings Bank," and the borrowers or lenders of any money secured by mortgage or other security upon personal or real estate, to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes which may be assessed upon the money so lent, or to be loaned, and the securities for the payment thereof; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contracts or agreements, anything in any existing law of this state to the contrary notwithstanding.

2. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States and by the several states of the Union, or by the several counties, cities or towns in this state, or by the cities of New York and Brooklyn, of the state of New York, under the laws thereof; nor on bond and mortgage, except on unencumbered real estate worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with the pledge of collateral securities, at least double the amount loaned; *provided*, said loan shall at no time exceed twenty per centum of the whole amount of assets.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXXV.

### An Act to incorporate the Ocean Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb G. Crane, Edward W. Crane and Nathan Hedges, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Ocean Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in Ocean or other counties, and for raising and selling and preserving cranberries and other fruit, and horticultural products, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and

maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands; and for such purposes the said company shall or may raise by subscription or otherwise, a capital stock of thirty thousand dollars, with liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and to commence business when fifteen thousand dollars shall have been subscribed and paid.

Affairs, how managed.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than three nor more than five directors, one of whom shall be president, and a majority of them shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancies, how filled.

Books to be kept.

3. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe, and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection.

How dissolved

Proviso.

4. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXXVI.

A Further Supplement to the act entitled "An Act to incorporate the Newark and Irvington Horse Car Railroad Company," approved March seventh, one thousand eight hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the company incorporated by the act to which this is a further supplement to increase their capital stock to the sum of one hundred thousand dollars. May increase capital stock.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DLXXXVII.

An Act entitled "An Act to incorporate the Florence Branch Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Randolph Wood, Walter Wood, Edward R. Wood, Joshua Eyre and Jesse Garret, or a majority of them, together with such persons as they may associate with them, shall be a body corporate, with power to purchase real estate and to issue stock to an amount not Corporators.

- greater than twenty-five thousand dollars, to be divided into shares of one hundred dollars each, which shall be held to be personal property, and shall be transferable only upon the books of said company, and the said corporation shall be known as "The Florence Branch Railroad Company."
- Name.** 2. *And be it enacted*, That the said corporation shall have power to build a railroad from the Camden and Amboy railroad at any point near the town of Florence, in Burlington county, and running thence to the said town of Florence, or to the Delaware river at or near the site of the Florence foundry, and shall also have power to make suitable branches to any other point, at or near the town of Florence, or upon the banks of the said Delaware river.
- Power to build railroad.**
- Election of directors.** 3. *And be it enacted*, That at as an early a day as convenient after the approval of this act, the said corporators shall meet to signify their acceptance thereof, and to elect a board of not more than five directors, one of whom shall be president, and the said board shall serve for the term of one year, as the stockholders shall have appointed for the next annual election, or until such time as another board shall be duly elected to succeed them.
- Proceedings in case company and owners cannot agree.** 4. *And be it enacted*, That in case it shall be necessary to lay out the said railroad across the land of any private individual, or of any corporation, public or private, as to the price of which the said company shall be unable to agree with the owner or owners, it shall be lawful for the said corporation to appoint a commissioner, who shall confer with another commissioner to be appointed by the owner, and in case of disagreement between them, they two shall appoint a third, whose decision shall be binding upon all parties interested; it shall be the duty of the said commissioners to examine the land taken or desired to be taken as aforesaid by the said corporation, and to determine the value thereof and the amount of damage justly to be paid therefor, and shall at the same time take into consideration the benefit done to other portions of the property of said land owner by the building of said railroad, which estimate of benefit shall in all cases be set against the estimate of damage and payment be made thereon accordingly, and immediately upon the finding of an award by said commissioners, and upon the compliance therewith on the part of said corporation, so far the said award shall have appointed any act to be done or complied with by said corporation, the said corporation shall

immediately thereupon be held to have acquired free, continuous, and uninterrupted possession of the lands so examined as aforesaid, not to exceed at any point one hundred feet in width, with due allowance in addition thereto for the necessary slope of cuts and fillings, and in case any land owner, corporate or private, as aforesaid, shall refuse or neglect to appoint a commissioner as aforesaid for the space of fifteen days after having been notified so to do, then and in such case the commissioner who may have been appointed by said corporation shall proceed to determine the damage, if any, which would be done to the property of such owner by the building of said railroad, and the determination or award of said commissioner setting forth the facts as herein specified, and duly attested by his signature and oath or affirmation, shall be filed in the clerk's office for the county of Burlington, and shall forever operate as a bar to any action for damage, trespass, or ejectment, which may at any time thereafter be brought against said corporation by said owner, whether corporate or private.

5. *And be it enacted*, That ten days' notice of every meeting of stockholders shall be given to each of the stockholders as they shall appear upon the books of the company, and that in voting for directors each share of stock shall be entitled to so many votes as there are members of the board to be voted for, all of which votes may be concentrated in favor of one candidate, or may be distributed in such proportion as the voter shall elect between two or more of the candidates; and those candidates who shall receive a vote equal to a majority of the whole number of shares voted upon, shall thereby be declared duly elected.

Voting for directors.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.



## CHAPTER DLXXXVIII.

A Further Supplement to "An Act to incorporate the Godwinville and Paterson Macadamized Road Company," approved April fourth, eighteen hundred and sixty-seven.

Repealer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the eighth section of the act to which this is a supplement, as requires said road to be bedded with stone eight inches in depth, be and the same is hereby repealed.

2. *And be it enacted*, That it shall and may be lawful for the said company, at all times, to take and receive of and from every person or persons who shall pass through their gates in travelling, the following rates of toll, and no more, that is to say :

Rates of toll.

For every carriage, wagon, sleigh or sled, drawn by one beast, five cents ;

For every additional beast, five cents ;

For every horse or mule and rider, five cents ;

For every led horse, mule or ox, five cents ;

For every dozen calves, sheep or hogs, and in that proportion for any greater or less number, ten cents ;

For every dozen of horses, mules or cattle, and in that proportion for any greater or less number, thirty cents ;

And that said company shall not demand or receive toll of or from any person passing to or from public worship, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, on the Sabbath day.

Repealer.

3. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DLXXXIX.

An Act to amend an act entitled "An Act to incorporate the American Plate, Glass and Fire Insurance Company of New Jersey."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to Amendment. which this is an amendment be amended by striking out the following words contained in the said first section, "The American Plate, Glass and Fire Insurance Company; and insert in their place and stead the words "America Insurance Company."

2. *And be it enacted*, That section two be amended by Amendment. striking out the words "two hundred and fifty thousand dollars," and insert, instead thereof, the words "five hundred thousand dollars," and strike out the word "commissioners," and insert the word "president."

3. *And be it enacted*, That section three be amended by Amendment. striking out the words "by not less than three, nor more than six directors," and inserting the words "by not less than seven, nor more than thirty-three."

4. *And be it enacted*, That section four be amended by Amendment. striking out the words, "and a two-thirds vote of the board of directors may remove the said president and vice president, in either of which cases the board of directors shall elect to fill the vacancies so occasioned;" "they shall," and insert in the place and stead thereof the following words, "they may."

5. *And be it enacted*, That section five of said act be Section stricken out and new section inserted. stricken out, and the following section be inserted in its place and stead: "that the president of the company shall receive subscriptions to the additional capital stock, herein authorized, and when the said stock, or such part thereof as can be subscribed and paid, or secured to be paid, as mentioned in the second section of this act, the president shall call a meeting of the stockholders by an advertisement published at least ten days previously, in some newspaper published in the county of Hudson stating the time and place at

which said meeting of the stockholders shall be held, and they, the stockholders, shall elect a board of directors of said company, who shall hold their offices for one year, and until others are duly elected in their stead; if there should be any deaths, resignations or refusal to act of any of the said directors of said company, then the remaining directors may elect to supply the vacancies so occasioned; *provided, nevertheless*, that none but those actually holding stock shall be allowed to vote at the above election of directors either in person or by proxy.

Amendment.

6. *And be it enacted*, That the sixth section of the said act be amended by striking out the words "to insure plate glass, window glass, mirrors, show cases, glass ware, statuary, ornaments, vases, china and crockery ware, of every kind and description whatsoever, and in every condition whatsoever, either stationary, in use or in transportation, against loss or damage by any accident or casualty whatever."

Amendment.

7. *And be it enacted*, That the eleventh section of said act be amended by adding thereto the following words, "and the said company may have a common seal, but are not required to affix it to the policies issued by them, and shall also have perpetual succession."

8. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXC.

An Act to incorporate the Beverly City and Township Gas and Water Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John Jameson, Walter Freeman, F. L. Hovey, Thomas Henderson, S. W. De Coursey, D. L. Baumgardner, H. C. Thompson, D. P. Cubberley, Edwin Marter, W. Wilson, Charles Allen, C. E. Lloyd, W. Kain, ——— Holbrook, and such other persons as may be

hereafter associated with them, and their successors, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Beverly City and Township Gas and Water Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

Name and powers.

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifty thousand dollars, with privilege to increase the same to two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property and transferable in such manner as the said corporation by their by-laws shall direct.

Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, giving at least fifteen days' notice of the same in one or more newspapers printed and published in the county of Burlington, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as ten thousand dollars of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of the said directors shall be fixed by the persons named in the first section of this act, or any of them; and the directors chosen at such meeting shall hold their offices until the first Monday in May following said election, and until their successors shall be chosen; and there shall be an annual election of directors by the stockholders on the first

Commissioners to receive subscriptions.

Election of directors.

Annual election.

Monday in May in every year thereafter, at such time and place as the board of directors for the time being shall direct and appoint, of the time and place of holding which election at least ten days' public notice shall be given in at least one newspaper published in Burlington county; and the said board of directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the board of directors, or a majority of them.

Vacancies,  
how filled.

Failure to  
elect not to  
dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but an election may be held at any other time, in the manner provided by law, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

May call in  
amount sub-  
scribed under  
penalty of for-  
feiture.

5. *And be it enacted*, That a majority of the board of directors of the said corporation shall be competent to transact all the business of the said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct; and in the case of non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to open the books for further subscriptions of stock until the whole stock subscribed amounts to the sum of ten thousand dollars; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to said officers, clerks and servants, as to the said board shall appear proper, and shall have power to take from said officers, clerks and servants appointed by them, such security for the faithful performance of their respective duties as they may think right and proper.

Power to build  
reservoirs, &c.  
and to make  
gas.

6. *And be it enacted*, That the said corporation shall have power and authority to make, build, construct and erect any

and all buildings, tanks, reservoirs, works and machinery, for the manufacture of gas for lighting streets, buildings, manufactory, and so forth, from coal, resin or other material; or to connect with the works of other companies, and necessary and requisite to supply the inhabitants of the city and township of Beverly, New Jersey, with water and with gas; and shall have power to erect gas posts, burners and reflectors in the streets, roads, alleys, lanes and avenues in said city and township; and to lay down gas pipes and water pipes, or pipes for conducting the water and the gas in the streets, roads, alleys, lanes and avenues of the said city and township, and in the streets, roads, alleys, lanes and avenues that may be the boundaries of said city and township, or either of them, and other townships or places; and the said corporation shall have power to do all other things necessary to light the said city and township, or either of them, or any part of said city or township, or either of them, and the dwellings, stores, factories and other places therein, and to supply the inhabitants of said city and township, or any part of said city and township, or either of them, with water; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of the said pipes, or the erection of said posts; and the streets, roads, side and cross-walks, lanes, alleys and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or the erection of said posts; *and provided also*, that no private lands shall be in any way injured or defaced without permission in writing first had and obtained from the owner or owners thereof.

7. *And be it enacted*, That if any person shall wilfully impair, injure or wilfully do or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine, tank, reservoir, works, building or structure whatsoever, or any other thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or in anywise injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for such injury, as aforesaid, by and in the name of said corpo-

ration, in any court of the state having cognizance of the same.

Books of ac-  
count.

8. *And be it enacted*, That the said corporation shall cause to be kept at their office, proper books of account, in which shall be fairly and truly entered all the transactions of the corporation, which books, together with the transfer book, shall at all times be open for the inspection of the stockholders.

9. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXCI.

An Act to incorporate the Union Cemetery Association of Wertsville, Hunterdon county.

Corporators

Name.

Power to pur-  
chase land for  
burial pur-  
poses, &c

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nathan Stout, J. S. Manners, Chas. Quick, David Conover, Amos Sked, Richard Lowe, and L. S. Blackwell, and their associates, be and they are hereby constituted a body politic and corporate in law by the name of "The Union Cemetery Association of Wertsville," with the general powers and privileges of a corporation.

2. *And be it enacted*, That the said association shall have power to purchase, to take and hold in fee, a tract or tracts of land not exceeding twenty-five acres, in the vicinity of Wertsville, for the use and purposes of a cemetery, and erect thereon such buildings and other accommodations as the directors may deem suitable and necessary, and may sell or otherwise dispose of the sublots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, and signed by the president and secretary thereof, to be used only as a cemetery, with the privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging, subject



however, to such regulations and restrictions as have been or may be established in relation thereto by any by-law or ordinance of said corporation; transfers of sublots or rights thereunto (may be made by the owner or owners thereof) by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

3. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of seven persons, who shall be elected by and from among the stockholders annually, at such time and place and upon such notice as the by-laws may direct; a majority of whom shall constitute a quorum for the transaction of business, at which election each share of stock shall entitle the holder thereof to one vote, and the said directors shall elect from their number a president and treasurer, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time to the several sublots and plats such price as they shall deem reasonable and proper, and shall have the sole charge, superintendence and control of the said cemetery; and until the first election of directors the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such an election may be held at any other time upon due notice given by order of the directors; and the directors for the time being shall continue to hold their office until others are chosen.

4. *And be it enacted*, That if any part of said lands conveyed to said corporation for the purpose aforesaid shall be unsuited or unnecessary for the purpose of a cemetery, then it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited or unnecessary therefor.

5. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in

Election of directors.

Vacancies, how filled.

First directors

Failure to hold election not to dissolve

May sell land unsuited for cemetery purposes.

Capital stock, how expended

embellishing, improving, erecting buildings, fences and other necessary accommodations shall be the capital stock of said association, and it shall be divided into shares of fifty dollars each; and not less than twenty per centum of the net proceeds of all sales of lots, parcels and plats shall be appropriated or funded, and the income thereof shall be expended for the further embellishment and maintaining the improvements of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests; and whatever sum shall be funded as aforesaid, the same shall be free from all taxes or assessments, and no taxes or assessments shall be imposed on lot owners therefor.

Subscriptions  
to stock.

6. *And be it enacted*, That it shall be lawful for the directors or a majority of them, to call in the subscriptions to the capital stock at such times and in such sums, and upon such notice as they may deem reasonable; and a failure to comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of moneys thereon and rights by virtue of his subscription to such stock.

Exempt from  
all taxes and  
assessments.

7. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock, and the property which they may acquire, hold or possess; and the real estate of said corporation, and the said lots and parcels, when conveyed by said corporation, or when sold to individual proprietors, or held by any person, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment or applied to the payment of debts by assignment under any insolvent or bankrupt laws, but may be conveyed under such regulations as the directors may adopt.

No public  
road to be  
opened.

8. *And be it enacted*, That no public street or road shall hereafter be opened through the said cemetery grounds without the consent of the said corporation.

Association  
and persons  
may purchase  
lots, &c.

9. *And be it enacted*, That any association of persons for benevolent purposes and also any religious society, may purchase and hold lots in said cemetery, adjacent to each other, in which they may bury agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by said board of directors.

10. *And be it enacted*, That the provisions of the eighth Act extended. section of the act entitled "An Act authorizing the incorporation of rural cemetery associations," approved March fourteenth, eighteen hundred and fifty-one, be and the same are hereby made part of this act.

11. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXCII.

An Act to incorporate the Speedwell Cranberry and Land Improvement Company of Burlington county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas D. Armstrong, Floyd Corporators. Armstrong, Howard Campbell, John F. Messmore and Daniel Messmore, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate, by the name of "The Speedwell Cranberry Name. and Land Improvement Company."

2. *And be it enacted*, That the amount of the capital stock Capital stock. of said company shall be fifty thousand dollars, with the privilege to said company of increasing the same to one hundred and fifty thousand dollars, to be divided into shares of ten dollars each, to be deemed personal property, and to be transferable on the books of this corporation, or by power or powers of attorney.

3. *And be it enacted*, That the above named persons, or a Commissioners to open books and receive subscriptions. majority of them, shall be commissioners to receive subscriptions to the capital stock aforesaid, at such time or times, and place or places, and upon such notice as they or a majority of them shall think proper; and at the time of subscribing for said stock, one dollar on each share shall be paid to said commissioners, or shall be satisfactorily secured to be paid, and the residue of the subscription shall be paid in such installments, and at such times and places, and to such person or

persons as the directors of said company or corporation shall from time to time direct, by giving twenty days' previous notice in two or more of the newspapers printed and circulated in this state; and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay such installments, or any or either, to and for the use of said company; and whenever five thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall, as soon as they may deem it expedient, give like notice at a meeting of the stockholders, at such time and place as they may designate, to choose and elect five directors, who shall hold their office for one year, or until others are duly elected; and such election shall be made at such time and place as shall be appointed by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors so chosen or elected at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, and the said board of directors shall have power to elect a secretary and treasurer for said company, to serve for one year, and until a successor or successors shall be chosen by the said board of directors; and in case of the death, resignation or removal of the president, secretary or treasurer, or any director or directors, such vacancy or vacancies may be filled for the remainder of the then current year by the said board of directors.

Election of directors.

Vacancies, how filled.

May purchase and convey lands and improve the same.

Proviso.

4. *And be it enacted*, That the said company, when organized as aforesaid, shall be, and they are hereby authorized to purchase, hold, occupy and convey such and so much land as they may deem proper, situate in the counties of Burlington, Essex, Ocean and Union or in any or either of them or elsewhere, and to improve the same for the cultivation of cranberries or for other purposes or both or either and to sell and convey the same, and to erect such building or buildings thereon as may be necessary for the use of said corporation; and to lay, keep and maintain drains through their lands and other contiguous and adjacent lands as said corporation may deem for the benefit of their said lands; *provided*, that no unnecessary damage shall be done to said adjoining lands.

5. *And be it enacted*, That it shall be lawful for the di-

rectors of said company from time to time to borrow such sum or sums of money as to them may seem advisable for the purpose of their said business, and to secure the same by mortgage or mortgages on the lands or other property of said corporation. May borrow money.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXCIII.

An Act to revise and amend the charter of the town of Harrison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country, Boundaries. in the county of Hudson, contained within the following boundary lines, to wit: beginning at a point in the centre of the Passaic river, on the south line of the bridge over said river, and now in process of execution by the Newark and Hudson Railroad Company; thence along the southerly line of said bridge, and of the track of said railroad company, as now laid or proposed to be laid by said company, easterly to the present boundary line between the townships of Kearney and Harrison, thence following said boundary line in a southerly direction to the Passaic river; thence up the Passaic river, following the boundary lines between the counties of Essex and Hudson, to the place of beginning; and all the inhabitants of this state within the limits aforesaid, shall continue forever hereafter to be a body corporate and politic in fact and in name, by the name of "The Town of Harrison," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes Corporate name and powers.

whatsoever; and they and their successors may have a common seal, and alter the same at their pleasure, and also, by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; and that the said "The Town of Harrison," and their successors, shall by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and equity, in possession, or remainder, or reversion, which at the time of the passage of the original charter of the said town of Harrison were vested in or belonged to the inhabitants of the town of Harrison in their corporate capacity, as then incorporated by the name of "The Inhabitants of the Township of Harrison, in the County of Hudson," according to such estate and interest as the said "The Inhabitants of the Township of Harrison, in the County of Hudson," at the time of the passage of the original charter of "The Town of Harrison," had, or of right ought to have had in the same, or which, since that time, have become vested in, and belong to the said "Town of Harrison," in their corporate capacity.

Common  
council.

2. *And be it enacted*, That the present councilmen now elected, and such other councilmen as may hereafter be elected in said town of Harrison according to law, shall constitute the common council of said town of Harrison; the present councilmen shall hold their office for the terms for which they were severally elected; at each annual election hereafter held in said town, three councilmen shall be elected for the term of two years; said councilmen shall receive no salary or pay for their services as such councilmen.

Election of  
school trustees.

3. *And be it enacted*, That the board of education of said town of Harrison shall consist of five school trustees; that at the next annual election in said town of Harrison, there shall be elected two school trustees, who, with the three already elected, shall, until others are elected as hereinafter provided for, constitute and form the said board of education; and the said five trustees shall respectively hold office for the term of one, two, three, four and five years; the respective terms of office of said five trustees shall, immediately after said next annual election, be determined by them by lot, and at each annual election after said next annual election in said

Term of office.

town of Harrison, one school trustee shall be elected, who shall hold office for the term of five years.

4. *And be it enacted*, That the officers of said town shall <sup>Officers.</sup> consist of a town clerk, three assessors, a collector of taxes, one or more judges of election, one or more constables, one overseer of the poor, two pound-keepers, one chosen freeholder, two surveyors of the highways, three commissioners of appeal in cases of taxation, all of whom shall hold office for the term of one year, except said town clerk, who shall be elected for two years; the town clerk shall receive one hundred dollars <sup>Compensation</sup> per annum; each of said assessors one hundred dollars per annum; the collector of taxes one hundred dollars per annum; all other officers shall be entitled to the same fees as like officers in townships now receive; all said officers shall be elected by ballot on the second Tuesday of April, in the same manner as township officers are now elected, except said three assessors, who shall be appointed and elected as hereinafter provided for.

5. *And be it enacted*, That the official term of the several <sup>Official term, when to commence.</sup> officers who shall be elected in pursuance of this act shall commence on the last Monday in April next after their election, except justices of the peace, whose terms shall commence at the time prescribed by law.

6. *And be it enacted*, That the aforesaid annual charter election shall be held and conducted by the judges of election and the clerk of election at the same hours, in the same manner, and under the same regulations in all things as prescribed by law for the state elections for members of the legislature, except as hereinafter provided; and in case of the absence, disqualification or inability of any of the said judges of election, the vacancy shall be supplied in the manner now prescribed by law; the common council shall designate the place or places at which all elections shall be held in said town; and notice of the time and place of such elections shall be published by the town clerk at five of the most public places in said town, at least ten days prior to any such elections.

7. *And be it enacted*, That every person entitled to vote <sup>Who entitled to vote.</sup> by the existing laws of this state at an election for members of the legislature shall be entitled to vote for all or any of the officers to be chosen at such elections.

8. *And be it enacted*, That the statement of the result of <sup>Certificate of result of election to be filed</sup> such election, and the certificate thereof, in the manner re-



quired by law at the state elections for members of the legislature, shall be made within five days after such election, by the proper officers, and shall be filed without delay with the town clerk.

Council to  
meet and canvass  
votes, &c.

9. *And be it enacted*, That the common council of the said town, for the time being, shall convene on the Monday next succeeding such election, at seven o'clock in the evening, at their usual place of meeting, for the purpose of canvassing the votes given at such election, and the original statements of the votes filed with the town clerk shall then be produced by the said clerk; the common council shall make a written statement of the whole number of votes given at such election for the several officers to be elected in and for said town, the names of the persons for whom such votes were given, and the number of votes given for each; and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the statement and final declaration of the common council shall be certified by the presiding officer and the clerk, and be filed in the office of the town clerk, and within five days after the said common council shall have determined what persons have been elected to the several offices in the said town, the town clerk shall cause a written notice of his election to be given to each of the persons so elected.

Council to  
elect in case of  
equal number  
of votes.

10. *And be it enacted*, That the person or persons receiving the highest number of votes of those given in said town, for any town office, shall be elected to that office; and if at any election for officers authorized by this act, any officer, except councilman and justice of the peace, shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council of said town shall, by ballot, elect such officer from the two or more candidates having the highest number of votes.

No person eligible  
to office  
unless a resident.

11. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said town; and when any officer elected at any such election shall cease to reside in said town his office shall thereby become vacant.

Vacancies in  
office of councilman.

12. *And be it enacted*, That whenever a vacancy shall occur in the office of councilman, by the refusal or neglect of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the said

town, or by any other cause, the common council of said town shall immediately appoint a special election to be held in said town to supply such vacancy, of which special election ten days' notice in writing, put up at five of the most public places in said town, shall be given by the town clerk; and such special election shall be conducted, and the result determined and certified in the manner prescribed in this act for conducting and determining the result of the annual election in said town for the same officer; in case any such vacancy shall occur in the office of councilman within three months before the first Tuesday in April in any year, it shall be within the discretion of the common council to appoint a special election or not, as they shall deem expedient.

Special election to be held

Discretion of council as to special election.

13. *And be it enacted*, That if at any annual election to be held in the said town there shall be one or more vacancies to be supplied in any office, and any person is to be elected for the full term thereof, the term for which each person is to be voted for the said office, shall be designated on the respective ballots.

Vacancies to be designated on ballots.

14. *And be it enacted*, That if any person who shall be elected to any office at the annual election shall not qualify according to law for the space of thirty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify according to law for the space of ten days after such election or appointment, his office shall be deemed vacant.

Persons elected failing to qualify office deemed vacant.

15. *And be it enacted*, That in case a vacancy shall occur in any of the aforesaid offices, except councilmen or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person, who is eligible to such office, according to the provisions of the tenth section of this act.

Council may fill certain vacancies.

16. *And be it enacted*, That in case of the failure on the part of the inhabitants of the said town at any of the elections contemplated by this act to elect any of the officers of said town, those then in office shall hold over until others are elected.

Officers, when to hold over.

17. *And be it enacted*, That the common council may from time to time appoint, by a majority of the whole number of the members of said common council, a collector of arrears of taxes, who shall always be a constable, a street commissioner,

Appointment of officers by council.

town surveyor, sealer of weights and measures, town counsel, town attorney, chief of police, chief engineer of the fire department, one or more assistant engineers, and such other subordinate officers as they shall think necessary for the better ordering and governing the said town, and the carrying into effect the powers and duties conferred and imposed upon the said common council by this act, which said several officers shall hold office at the pleasure of said common council.

Officers to  
give bonds.

18. *And be it enacted*, That such of the officers of said town, whether elected or appointed, as the common council may require, shall, before they enter upon the duties of their respective offices, give bonds to the said town in its corporate name, in such sums and with such sureties as the common council may direct and approve, for the faithful performance of the duties of their respective offices.

Powers and  
duties of com-  
mon council.

19. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president pro tempore; choose officers; appoint its times and places of meeting; determine the rules of its own proceedings; be the sole judges of the election returns and qualification of its own members; keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceedings, and an opportunity to be heard in his defence.

Quorum.

20. *And be it enacted*, That a majority of the whole number of the common council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members; the president of the common council shall be authorized to call special meetings of the common council when the public good shall, in his opinion, render it necessary, and on the request of two or more members of the common council, in writing, addressed to the president, it shall be his duty to call a special meeting.

Special meet-  
ings.

Ordinances,  
now passed.

21. *And be it enacted*, That no ordinance or resolution shall be passed by the common council, except with the concurrence of a majority of all the members; every ordinance shall be read three times before its final passage, and such as involve the expenditure of money, or affect personal

liberty, shall be published between the second and third readings, for the space of ten days, in two daily newspapers having the largest circulation in said town, and shall also be posted by the said clerk at five of the most public places in said town for the same length of time.

22. *And be it enacted*, That the common council shall have power within the said town, to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

I. To manage, regulate and control the finances and property, real and personal, of the town; Power to pass ordinances.

II. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; Vice and immorality.

III. To restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices; Gaming houses.

IV. To regulate victualing houses, or cellars, billiard tables and bowling saloons; Billiard saloons.

V. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions and circuses, or other public performances and exhibitions for money; Circuses, &c.

VI. To ascertain and establish the boundaries of all streets, highways, public lanes and alleys in said town, and to prevent and remove all encroachments upon said streets, highways, public lanes and alleys; To establish boundaries of streets.

VII. To regulate, clean and keep in repair the streets, highways, bridges, wharves, docks and slips in said town, and to prevent all obstructions in the rivers Passaic and Hackensack, near or opposite to such wharves, docks and slips; to take care of, protect and keep in repair the levees or embankments on the banks of said Passaic river in said town, and the drains and sluice-gates connected therewith; and assess the necessary costs and expenses incurred in such taking care of, protecting and keeping in repair said levees, embankments, drains and sluice gates on the land, real estate and hereditaments, drained and benefited thereby, and collect such assessments in the same manner as is provided in his act for the collection of any other assessments; to prevent and remove obstructions and encumbrances in and upon all streets, sidewalks and crosswalks, lanes, alleys, bridges,

- aqueducts, wharves, docks or slips in any manner whatever; to direct and regulate the planting, rearing, trimming and preserving of ornamental trees in the streets, parks and grounds of said town, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon;
- Shade trees.** VIII. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign or other post or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same at the expense of the owner or occupant of the premises;
- To prevent erections of stoops, &c.** IX. To prevent and punish horse-racing or immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotives, engines and railroad cars through the said town;
- Fast driving.** X. To prohibit the driving any drove or droves of cattle through any of the streets of the said town, on the first day of the week, commonly called Sunday, and to regulate the same at other times;
- Droves of cattle.** XI. To regulate, protect and improve the parks, public burial grounds and other public grounds in said town;
- To protect public grounds** XII. To provide lamps and gas fixtures, and to light the streets, parks and public places of every description in said town;
- Lighting of streets.** XIII. To preserve the aqueducts in said town, and to make and regulate wells, pumps and cisterns in the public streets and squares;
- Wells, &c.** XIV. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the costs of keeping and impounding the same;
- To prevent cattle running at large.** XV. To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs;
- Dog tax.** XVI. To regulate and prohibit the keeping of swine;
- Swine.** XVII. To locate, regulate and remove slaughter-houses and cattle yards, establish and regulate public markets, license and regulate butchers, designate the places, times and
- Markets.**

manner of selling meats and fish, and to prohibit persons from selling without license ;

XVIII. To prescribe and regulate the places of vending or exposing for sale, hay, straw and wood, from wagons or other vehicles ; Vending of hay.

XIX. To regulate and prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town ; Frightening animals.

XX. To restrain and punish drunkards, vagrants, mendicants and street beggars ; To punish drunkards.

XXI. To establish a board of health, to define its powers and duties, and to provide for the protection and maintenance of the health of the town ; To establish and define powers and duties of board of health.

XXII. To abate or remove nuisances of any kind, and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherever may be carried on any business or calling, or in and upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants ; to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health of the inhabitants of said town, at the expense of the owner or occupant thereof ; To abate and remove nuisances.

XXIII. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase lands for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said town, as the health, quiet and good order of the town may in their opinion require ; Interments.

XXIV. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, or to authorize the president of the common council to grant such licenses, and to require the owners to mark said carriages or vehicles, and in such manner as the common council shall designate ; auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shopkeepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities ; License cartmen, peddlers &c.

XXV. To regulate the ringing of bells and the crying of goods and other commodities, for sale by auction or otherwise, and to prevent disturbing noises in the streets ; Ringling of bells.

Bathing.

XXVI. To regulate swimming or bathing in the waters of or bordering the town ;

Weights and measures.

XXVII. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause his or her weights and measures to be sealed by the town sealer, and to be subject to his inspection ;

To establish a day and night police.

XXVIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation ;

Fire department, &c.

XXIX. To establish, regulate and control a fire department ; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation ; to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires ;

To prohibit sale of fireworks.

XXX. To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinances, the building of any dwelling house, stores, stable or other building of wood or other combustible materials ; to regulate the construction of chimneys, and to compel the sweeping thereof ; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a manner as to be dangerous ; to prohibit the deposit of ashes in unsafe places ; to authorize any town officer, or person or persons whom they may designate for that purpose, to examine and inspect, by day, any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so ; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fires ; to regulate or prohibit the manufacture, sale or use of fireworks and the use of firearms in said town ; to regulate or prohibit the keeping, selling and conveying gunpowder, camphene, spirit gas and other dangerous materials, and the use of lights in barns, stables and other buildings ; to raze or demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just



compensations to owners of property destroyed in such cases ; to require all such other and further acts to be done, and to regulate or prohibit the doing all such other and further acts as they may deem proper, to prevent the occurrence and provide for the extinguishment of fires in said town ;

XXXI. To level, grade, curb and pave, flag or gravel the sidewalks in any street, highway, lane or alley ; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on the adjoining lots, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets ;

To grade,  
gravel and  
pave.

XXXII. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in all cases where such digging down, draining, filling up or fencing is necessary to prevent or abate a nuisance ; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets, but no special ordinance shall be introduced to authorize or compel the performance of any work or improvement mentioned in this or the last preceding sub-division or paragraph of this section, until public notice shall be given of the intention of the common council to cause such work or improvement to be done and performed ; and to that end it shall be the duty of the town clerk, by direction of the common council, to give notice by posting the same in five of the most public places in the said town of Harrison for the space of ten days, of the intention of the common council to cause such work or improvement to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing, at the town clerk's office, on or before the expiration of ten days from the date of such notice, and at any time thereafter the common council may proceed to consider such special ordinance as aforesaid.

To adopt a  
Draining of  
lands, &c., and  
of assessments  
for same.

XXXIII. To adopt all legal and requisite measures for Taxes. levying and collecting the taxes ;

XXXIV. To prescribe and define the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the town for the discharge of their duties, and

To define the  
duties and  
compensation  
of officers.

the time for execution of the same in cases not otherwise provided for by law ;

To fix compensation.

XXXV. To fix and determine a reasonable compensation to be paid to any officer of said town, or other person employed by said common council for any service required by this act or by any ordinance or resolution passed by said common council, for which no specific fee or compensation is provided by this act.

Council may pass, alter or repeal ordinances.

23. *And be it enacted*, That the common council shall have power to make establish, alter, modify, amend and repeal all such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state, or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other law of this state.

Penalties may be prescribed for violation.

24. *And be it enacted*, That in all cases when, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment, not exceeding ten days, or by fine, not exceeding fifty dollars, to be recovered with costs in an action of debt in the name of "The Town of Harrison," for the use of the said town, before the police justice thereof, or a justice of the peace, in and for the county of Hudson, in which action the first process may be either by warrant or summons, and in which action it shall be lawful to declare generally, in debt, for such penalty, and give the special matter in evidence : and further, it shall be lawful for any such justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment under his hand and seal, directed to the keeper of the common jail of the county of Hudson ; the book of records of the ordinances of the town shall be taken and received as evidence of the passage, according to law, of all ordinances duly recorded therein ; and further, any volume of ordinances printed by authority of the common council shall, in like manner, be taken and received as evidence of the due passage thereof, and the publication of the said ordinances, according to law, shall, in all cases, be presumed to have been made until the contrary is proved.

25. *And be it enacted*, That the common council shall have power to borrow money, from time to time, for the purposes of purchasing street-lamps and real estate, and for

erecting thereon a town hall, not exceeding, in the whole, the sum of twenty-five thousand dollars, and to secure the payment thereof by bond or other instrument under their common seal, and the signature of the president of said common council of said town, payable in twenty years from date, and to provide by tax for the payment thereof; but notwithstanding the limitation aforesaid, it shall be lawful for the common council to make temporary loans for a period not exceeding, with any renewals thereof, one year, and to secure the payment thereof in manner aforesaid, which loans shall only be in anticipation of town taxes, and of assessments for laying out and opening, straightening, altering or widening any street, road, highway, or alley, and for the constructing of sewers, and the regulating, grading and paving of streets and sidewalks, and shall not exceed the amount of such anticipated assessments and taxes.

May borrow money to purchase street lamps and erect a town hall, and issue bonds therefor.

26. *And be it enacted*, That the town clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of the common council, and shall perform such other duties as may be prescribed for him by said common council.

Town clerk.

27. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act, or any other act of this state, be clerk at said annual town election, unless there shall be more than one polling place, in which case he shall be clerk at such polling place as said common council may direct; and said common council may appoint a clerk or clerks for the other polling districts, and said town clerk and other clerks of election, shall each perform the duties, possess the rights, and be vested with the privileges of all other clerks of election; the said clerk shall have charge of all the records, books and documents of the town, except when the common council shall otherwise direct; he shall keep a record of the proceedings of the common council; he shall engross all the ordinances of the common council in a book provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president or acting president of the said common council and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of said

Town clerk to act as election clerk.

Other clerks.

Duties of the town clerk.

town, certified by him under the corporate seal of said town, shall be evidence in all courts and places.

Appointment  
of assessors.

28. *And be it enacted*, That the said three assessors shall for the next year be appointed by the said common council, and after their appointment, shall divide themselves into three classes, and shall hold office for one, two and three years respectively, determining their several terms by lot immediately after their appointment, and at each annual election after such appointment, there shall be elected one assessor, who shall hold office for the term of three years; said assessors shall be held to a strict accountability for the performance of their duties, and shall forfeit all pay by the non-performance of their duty; said common council shall divide said town of Harrison into three districts, and apportion the same to said assessors as they shall deem fit; the said assessors shall annually elect one of themselves as president of their body, who shall act as one of the judges of election at the annual election in said town; said common council may, at any time hereafter, whenever they shall deem it best, divide said town of Harrison into more polling districts than one, not exceeding, however, three; in which case the said common council shall apportion and appoint said assessors to the several polling districts as judges of election, and any such assessor so appointed to said polling districts as judge of election shall perform the duties, possess the rights, and be vested with all the privileges of other assessors sitting as judges of election, under any law of this state.

Council to di-  
vide town into  
three districts

Assessors.

29. *And be it enacted*, That the said three assessors shall each form part of the board of assessors of the county of Hudson, and each have the like vote in said board, which the assessors of townships or cities may have by the laws of this state.

Constables to  
take oath, and  
give bond.

30. *And be it enacted*, That every constable of said town shall, before he enters upon the duties of his office, take and subscribe before the town clerk, an oath or affirmation in the form prescribed for constables of townships, by the act entitled "An Act incorporating the inhabitants of townships, designating their powers and regulating their meetings," or any supplement thereto using the word "town" instead of the word "township," and said clerk shall endorse on said oath or affirmation the day and year on which the same was taken and subscribed, and file the said oath or affirmation and endorsement thereon in his office; and every constable

Bond to be  
filed.

of said town before he enters upon the execution of the duties of his office, shall enter into bond to "The Town of Harrison," with one or more sureties to be approved by the said common council in such sum as said common council shall direct, in the form, as near as may be, prescribed by the act entitled "An Act respecting constables," which bond shall be delivered to the town clerk, who is hereby directed and required to record and file the same in his office, and all suits or actions on such bonds shall be conducted and prosecuted in the manner prescribed by law in such cases.

31. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the town, for the preservation of the peace, or of good order or of morality; and to bring or cause such person to be brought before the police justice or other justice of the peace, to be dealt with according to law.

Councilmen  
may make ar-  
rests without  
warrant.

32. *And be it enacted*, That the common council shall at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer, for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town.

Statement of  
receipts, &c.,  
to be pub-  
lished.

33. *And be it enacted*, That the several officers of said town, whether elected or appointed, shall respectively possess the powers, rights and privileges, and perform the duties, and be subject to the like penalties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the members of the common council of the said town, collectively and individually, shall possess the powers, rights and privileges, and perform the duties, and be subject to the like penalties, which by law belong to, or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act, and that all other officers not herein named who may be appointed by the

Powers of  
town officers.

said common council shall possess the powers and privileges, perform the duties, and be subject to the obligations and penalties given, conferred and imposed upon them by law, or by the ordinances, by-laws, rules and regulations of the said common council.

Appointment  
and duties of  
treasurer.

34. *And be it enacted*, That the common council shall appoint a treasurer, holding office at the pleasure of the said common council, who shall receive all moneys belonging to said town of Harrison, and shall pay out the same only upon warrants from the said common council, signed by their president and countersigned by the town clerk, except for the payment of bonds of the town, certificates of indebtedness for improvements given by the said town, interest on the same, and for money paid into the treasury for the redemption of property sold for taxes and assessments; no warrant on the treasurer shall be drawn, except in pursuance of an order passed by the common council, and entered on their minutes; all such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Appointment  
of police justice  
by legislature.

35. *And be it enacted*, That there shall be in and for said town one police justice, to be appointed by the legislature in joint meeting assembled, who shall hold office for the like term, and be commissioned in the like manner as justices of the peace in this state, and be amenable in like manner to the senate and general assembly, who shall take an official oath as such police justice in the manner prescribed by law for other officers, who shall be invested with and possess all the powers of a special police justice in and for said town of Harrison, and shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in said town, as the justices of the peace in and for the several counties of this state are or may be entitled by law to use and exercise; all actions for the violation of any ordinances of said town shall be instituted before such police justice, and to him shall all complaints of criminal offences committed in said town be made, unless the emergencies of the said police justice shall otherwise require.

Powers of police justice.

Actions and  
proceedings  
had before police justice,  
how regulated  
and conducted

36. *And be it enacted*, That unless when otherwise directed, all actions or proceedings before such police justice, under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner pre-

scribed in and by an act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by such police justice in and for the said town of Harrison, shall be a court of record, and vested for the purposes mentioned in this act, with all such power as is usual in courts of record of this state; and said police justice shall have full power and lawful authority, upon such complaints and trials, to carry out and put in execution any and all punishments by way of fine, penalty, imprisonment or otherwise, as are or may be imposed by such ordinances or by the laws of the state of New Jersey, by judgment, execution against the goods and chattels or the bodies of parties convicted by and before him, and by commitment, if necessary, to the common jail of the county of Hudson; and said police justice shall also be entitled to demand, collect and receive such fees on all complaints, suits and trials made, instituted and tried before him, as justices of the peace in New Jersey are now entitled to by law for performing the like services.

37. *And be it enacted*, That each police justice may, in all matters or causes pending before him, award and issue writs of subpœna ad testificandum into any county of this state. May issue writs of subpœna.

38. *And be it enacted*, That such police justice shall be empowered, on oath or affirmation made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said town, to issue a process either in the nature of a warrant or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than five nor more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, when and in what manner the same has been violated, and that on the return of such process, or at the time to which the justice shall adjourn the same, the said justice shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said town in the manner hereinbefore provided. Police justice may issue warrant or summons for violation of ordinances. Provided.

39. *And be it enacted*, That no warrant, or process in the nature of a warrant, shall be issued by such police justice against any person or persons, on any complaint made as aforesaid, for the violation of any of the ordinances of said Warrants only to be issued upon oath.



town, unless upon oath or affirmation made and filed before said justice, establishing to his satisfaction, by one or more particulars mentioned therein, that such process is necessary to secure the due enforcement of the ordinance in the matter of said complaint against such person or persons.

Fines, to  
whom paid

40. *And be it enacted*, That all fines and penalties for the violation of ordinances of said town of Harrison shall be paid to said police justice, and his receipt shall be sufficient discharge for such payment.

Fines paid to  
treasurer.

41. *And be it enacted*, That all fines and penalties received by said police justice for the violation of said ordinances shall immediately after the receipt thereof by said police justice, be paid by him to the treasurer of said town of Harrison.

Police justice  
to keep  
docket, &c.

42. *And be it enacted*, That the said police justice shall keep a docket of all complaints made before him, and of all suits and trials commenced, instituted and held before and by him, in which he shall enter truly and faithfully all matters and proceedings touching and concerning such complaints, suits and trials, and said docket shall, at all proper and reasonable times, be open to the inspection and examination of said common council or any of the members thereof; the said police justice shall also carefully file and preserve all complaints and papers connected with any complaints, suits or trials made, instituted or held by or before him, and he shall also, once in each and every year, at the first meeting of the said common council in the month of January, make a true and correct report of all his proceedings as such police justice.

Money to be  
raised by tax  
for certain  
purposes.

43. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they may deem expedient, for the following purposes:

- I. For lighting the streets of the town;
- II. For the maintenance and support of the poor;
- III. For regulating, cleaning, and keeping in repair the streets and highways;
- IV. For regulating, improving and protecting the public grounds and parks;
- V. For the construction of bridges and crosswalks;
- VI. For the support of public schools;
- VII. For the support of the police department;
- VIII. For the support of the fire department;

IX. For supplying the town with water for the extinguishment of fires ;

X. For the support of public markets ;

XI. For the payment of the interest upon the town debt and upon temporary loans, and such part of the principal thereof as may be due and payable ;

XII. For the contingent expenses of the city, and for all other objects and purposes authorized by this act.

44. *And be it enacted*, That such sum or sums of money as may be necessary for the purposes of the said town of Harrison, or for county or state purposes, shall be assessed by the assessors, and collected by the collector of the said town, in the manner in which the taxes of the county of Hudson are assessed and collected, except that so much of the said taxes as may be raised for lighting the streets of the town, shall be assessed and collected upon and from all persons residing and lands located within the district of said town, to be established from time to time by an ordinance of common council, and to be called the lamp district of the said town, which taxes, when collected, shall be paid to the treasurer of the said town, and be subject to the order of said common council.

Assessment  
and collection  
of taxes.

45. *And be it enacted*, That the said assessors of said town in making their assessments as now provided by law, are hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the owners thereof, respectively, to designate the same by the street where situate, and by the number thereof, when the same is numbered, and if not numbered, or not situate on any street, then by such other short description as will be sufficient to ascertain the location and extent thereof ; that only one assessment shall be made on any improved lot, together with unimproved lands adjacent thereto, and connected therewith, and belonging to the same owners ; and that the said assessors shall, when maps are provided for that purpose by the common council, make their assessments as nearly as may be according to such maps.

Duties of the  
assessors.

46. *And be it enacted*, That the said assessors of the town of Harrison shall make their assessments before the twentieth day of June in each year hereafter, and shall meet annually on the last Tuesday of June in each year, and may from time to time adjourn if necessary, but not for a longer

Time of meeting of board of assessors.

period than fifteen days, and when so met, they shall constitute a board of assessors for the said town, and it shall then be their duty as such board of assessors to review the several assessments made by the said assessors, and to diminish, increase or alter any such assessments, in order that the assessment on property, whether real or personal in said town, may be made as just, and nearly equal as possible, which assessments, so revised and approved by the said board, shall be the assessments for the said town of Harrison, subject as heretofore to the action of the commissioners of appeals in case of taxation, and within ten days after their last meeting, they shall make a report of their assessments in all respects to the said common council.

Assessment of taxes to remain a lien on lands and real estate.

47. *And be it enacted*, That any assessment of taxes hereafter to be made in the town of Harrison, against any person or persons, shall be and remain a lien on all the lands and real estate of such person or persons within the said town, for the amount of such assessment, with interest thereon, and all costs and fees for the space of two years from the twentieth day of June of the year in which said assessment shall be made, and any assessment of taxes hereafter made upon any lands and real estate within the said town, shall be, and remain a lien upon such lands and real estate, with interest thereon, as provided by this act, and all costs and fees for the space of two years from the twentieth day of June, of the year in which such assessment shall be made, notwithstanding any devise, descent, alienation, mortgage or other encumbrances thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands and real estate, and any assessment of taxes in which such mistake or omission occurs, shall be valid and effectual in law, and if unpaid, shall be returned in the list of delinquent taxes, and such lands and real estate may be proceeded against, and sold in the manner provided by this act.

Commissioners of appeal.

48. *And be it enacted*, That the commissioners of appeals in cases of taxation in and for the said town shall meet annually on the third Tuesday in September in each year hereafter, to perform the duties required of them by law, at which time the said assessors shall be present.

Assessments to draw interest if not paid in specified time.

49. *And be it enacted*, That such taxes shall bear interest at the rate of seven per centum per annum, from and after the twentieth day of October next after the assessment

thereof, until the twentieth day of December then next, and from and after that date they shall bear interest at the rate of twelve per centum per annum; and the said collector, within ten days after the twentieth day of December in each and every year, shall make out a list of the names of all persons who shall then be delinquents in the payment of such tax, and deliver the same to said police justice or to a justice of the peace in and for said county of Hudson, who immediately upon the receipt thereof shall administer to the collector returning the same, the oath prescribed by the act entitled "An Act concerning taxes," and issue his warrant, directed to the collector of arrears of taxes of the town of Harrison, containing a list of the names of the several persons and of the sums due from them respectively, either in figures or words, at length, as the same shall have been returned to him as aforesaid; and shall thereby command the said collector of arrears of taxes to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons therein named, and from whom the same are due respectively, by selling the same by public auction, giving at least four days' notice of the time and place of such sale, by advertisements set up in five public places in said town; and in case the said collector of arrears of taxes cannot find sufficient goods and chattels of said persons whereof the tax or taxes due from them respectively, with all costs and fees, can be made, and in case there are no lands and real estate of said persons within the said town, then the said warrant shall further direct the said collector of arrears of taxes to take such further proceedings to be set forth in said warrant, as are mentioned in the said act entitled "An Act concerning taxes," which warrant the said police or other justice, before delivery thereof to said collector of arrears of taxes, shall record in his docket, and if said police justice or any justice of the peace of the said county of Hudson, shall neglect or refuse to perform any duty required of him by this act, he shall, for every such neglect or refusal, forfeit and pay the sum of fifty dollars, to be sued for and recovered, with costs, in the name and for the use of "The Town of Harrison," before any court of competent jurisdiction; and for performing the duties required of him by this act, the said justice shall receive such fees as other justices are entitled to by law for performing like services.

Collector to  
make out list  
of delinquent  
tax payers.

Taxes to be  
levied on  
goods, &c.

Advertisements to  
be posted.

Penalties for  
police justice  
refusing to  
perform duties

Collector of  
arrears to exe-  
cute warrants.

Make return  
of persons  
failing to pay.

Vacancy in of-  
fice of collec-  
tor of arrears  
of taxes, how  
filled.

50. *And be it enacted*, That it shall be the duty of the said collector of arrears of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, to pay over, from time to time, and at least once in each week, without delay, all moneys received by him to the treasurer of said town; and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement, in writing, to the common council of said town of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums then remaining unpaid, and the names of the several persons then in arrear, and the sums due from each respectively, and on or before the first day of June next, after receiving any warrant, as fully as practicable, to execute the same and make return thereof to the justice who issued the same, with a full return of all his proceedings thereon, and at the same time to make a full return and statement to the common council of said town, setting forth the amount of money received by him thereon since his first return and statement, the sums, if any, remaining unpaid, the names of any persons still in arrears, and the sums due from them respectively, which said return and statement shall be verified by the affidavit of the said collector of arrears of taxes; and in case there are no lands and real estate of said persons within the said town, it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office, or other disability, for any justice of the peace residing in said county of Hudson, thereupon to issue another warrant for the collection of the sum or sums remaining unpaid, with interest, costs and fees, in the like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected.

51. *And be it enacted*, That in case of a vacancy in the office of collector of arrears of taxes, by removal, death, or otherwise, the common council shall have power at any time to fill such vacancy; and any warrant in the hands of said collector of arrears of taxes, at the time any such vacancy occurs, may be executed in whole or in part, as the case may require, by his successor, and it shall be the duty of any collector of arrears of taxes, within twenty days after being removed from office, or the expiration of the term of his appointment, to make a full return of his proceedings, upon any warrant or warrants in his hands, to the justice or jus-

tices who issued the same, together with such warrant or warrants, and within the same time, to make and deliver to the common council of said town, a full return and statement of his proceedings thereon, including all the particulars mentioned in the preceding section.

52. *And be it enacted*, That the said collector of arrears of taxes shall be liable to the said "The Town of Harrison" for the amount of taxes mentioned in any warrant directed and delivered to him under this act, with interest, or for such part thereof as shall not have been paid to the treasurer of said town on or before the first day of June next after said collector of arrears of taxes shall receive said warrant, unless the deficiency happen without neglect, fraud, or default on his part, to be recovered with interest and costs, in an action of debt or on the case, for so much money had and received by the said collector of arrears of taxes for the use of the said "The Town of Harrison."

Collector of taxes liable for amount of taxes in warrant, &c.

53. *And be it enacted*, That if any tax shall remain unpaid after the twentieth day of December, it shall be the duty of the collector of arrears of taxes, to charge, collect and receive, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from the said twentieth day of December, until the same is paid, and such interest shall be paid over by the said collector of arrears of taxes, to the treasurer of said town, in like manner and at the same time as he may be required to pay over to said treasurer all the taxes by him collected; and in case the said collector of arrears of taxes shall neglect to charge, collect, and receive such tax and interest, he shall be liable therefor, and may be proceeded against in an action of debt before any court of competent jurisdiction, for the collection thereof, unless he shall be unable to collect such tax and interest.

Unpaid taxes to draw interest.

Penalty for not charging interest.

54. *And be it enacted*, That if any tax or any part thereof, or interest which hereafter shall be levied, assessed or imposed upon any lands, tenements, hereditaments or real estate in said town of Harrison, or the interest thereon shall not be paid or satisfied before the twentieth day of December in each and every year, or if any assessment, or any part thereof, which hereafter shall be levied, assessed, imposed, or made upon any land, tenements, hereditaments or real estate in said town of Harrison, authorized by this act, or the interest thereon, shall not be paid or satisfied within the time limited

Failure to pay tax council to cause lands to be sold at public auction

for the payment thereof, by the seventy-fourth section of this act, then it shall and may be lawful for the common council to cause such lands, tenements, hereditaments or real estate to be sold at public auction for the shortest time, not exceeding fifty years, for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town of Harrison, a declaration of such sale to be signed by the president of the common council and the town clerk, and to deliver the same to the purchaser; and said purchaser, his executors, administrators and assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, hereditaments and real estate for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended; *provided*, the said common council shall first have caused said sale to be advertised for at least sixty days in at least one public newspaper generally circulated in said town, and also by advertisements put up in at least five public places in said town, which advertisements shall shortly describe the said lands, tenements or real estate, so that the same may be designated and understood, and specify the amount of assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person or persons, for or in behalf of the owner, mortgagee or claimant of said lands, tenements or real estate at any time within two years after the sale for taxes or assessments, or for both, by paying to the treasurer of the town for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the town, stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice hereinafter specified; no mort-

Proviso.

Proviso.



gagee, whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months' notice, in writing, shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said town of Harrison, then by depositing such notice in the post office nearest to said town, directed to him at his last known place of residence, or at the post office nearest thereto; *and provided*, Proviso. the said term for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements or real estate until the two years limited for redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided, also*, that the said Proviso. sale may be adjourned or postponed from time to time, or suspended, as the common council may direct; *and provided*, Proviso. that if at any sale of lands, tenements or real estate for assessments or taxes the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall be lawful for the said town to purchase the said lands, tenements or real estate for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided, also*, that all moneys Proviso. paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, shall be paid out of the proceeds of the sale; *provided further*, Proviso. that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and, if the property has been sold therefor, the time of sale and to whom sold, and if redeemed, when and by whom; it shall also be the duty of the town clerk to record in a book to be called "Re-

cord of Sales," all declarations of sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given, shall be redeemed, on certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office, and for performing such duties, the said clerk shall be entitled to the following fees: for making said search, such pay as the clerk or register of the county of Hudson, may be entitled to by law for making searches in his office; for recording declarations of sale, fifty cents; for canceling each declaration, twenty-five cents; for filing each certificate and other paper connected with said sale or redemption, ten cents.

Provisions of act to apply when town becomes purchaser

55. *And be it enacted*, That if the said town become the purchaser of any lands, tenements or real estate, at any sale authorized by this act, the certificate of sale shall be assignable, and all the provisions of this act shall apply to the town as to any other purchaser.

State and county tax, to whom paid.

56. *And be it enacted*, That all state and county taxes shall be assessed and collected by the assessors and collector of said town, and shall be paid over by the town collector to the county collector, in the like manner and under like penalties as township collectors are directed by law.

May pass ordinances.

57. *And be it enacted*, That it shall be lawful for said common council, whenever in their opinion the public good requires it by ordinance:

To lay out, open, &c., streets.

I. To lay out and open any street, road, highway or alley, public park or square within said town, to order and cause any street, road, highway or alley, already laid out, or which shall be hereafter laid out, to be vacated, straightened, altered or widened, and to take and to appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof as hereinafter mentioned and provided;

To make a plan of sewerage and drainage.

II. To order and cause sewers and drains to be constructed in any part of said town, and if necessary, to take and appropriate for such purpose, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided;

III. To order and cause any street, or section of a street,

to be graded, graveled, paved, flagged, macadamized or otherwise improved or regulated, in such manner as they may deem advisable, under the supervision and direction of the street commissioner or such other officer as said common council may appoint for that purpose, at the expense of the owners of lands and real estate on the line of said street or section of a street.

To pave,  
grade or im-  
prove streets.

58. *And be it enacted,* That no ordinance shall be introduced or presented to the common council for making any improvement or performing any work under and by virtue of the provisions of the last preceding section of this act, or either of the sub-divisions thereof, unless a petition therefor, signed by the owners of a majority of the lineal frontage of the lands to be affected thereby, be first presented to said common council, and not until public notice shall be given of the intention of the common council to cause such improvement to be made, or such work to be done and performed; and to that end it shall be the duty of the town clerk, by direction of the common council, to give notice in one or more daily newspapers generally circulated in said town, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing at the office of the town clerk on or before the expiration of twenty days from the date of such notice, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid; but if on or before the expiration of the said twenty days a remonstrance signed by two-thirds of the owners of property on the line, representing at least half of the lineal frontage of the street proposed to be improved, protesting against said improvement shall be filed with the town clerk, the council shall not continue but shall cease further action under such notice of intention.

No ordinance  
to be intro-  
duced for im-  
provements  
unless peti-  
tioned for by  
majority of  
owners of  
lineal feet.

Notice to be  
given of in-  
tended im-  
provement.

59. *And be it enacted,* That whenever any ordinance shall be passed by the common council for making any improvement or performing any work under and by virtue of the provisions of the fifty-seventh section of this act or either of the sub divisions thereof, all further acts and proceedings which it may be necessary for the said common council to take to carry out said improvement or work to completion, and all orders relating thereto, shall be by resolution and not by ordinance.

Improvement  
may be order-  
ed by resolu-  
tion when or  
dinance has  
been passed.

Ordinances for  
laying out  
streets, &c.

60. *And be it enacted*, That whenever the common council shall determine by ordinance to lay out and open any street, road, highway or alley, public square or park, within said town, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and for the purpose expressed in such ordinance, they may purchase such lands and real estate of the owners thereof, and make such a compensation therefor as they shall judge reasonable; and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the town; and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under, and in pursuance of the provisions contained in the sixty-sixth section of this act.

Proceedings in  
case of non-  
agreement be-  
tween owners  
and council.

61. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be lawful for the common council to appoint three disinterested freeholders of said town commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain, by taking and appropriating in the manner aforesaid such lands and real estate; and in estimating and assessing such damages the said commissioners shall have due regard, both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid; and if, in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvement, and after such awards shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment of the costs, damages and expenses of such improvement under, and in pursuance of the provisions of the sixty-sixth section of this act.

Commission-  
ers to take and  
subscribe  
oath.

62. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall severally take and subscribe an oath or affirmation, before the town clerk, to make the said estimate and assess-

ment fairly and impartially, according to the best of their skill and judgment.

63. *And be it enacted*, That the said commissioners shall give public notice of the time and place of their first meeting, at least ten days before the time thereof, by advertisements set up in five of the most public places in said town; and the said commissioners, or a majority of them, when met, shall have power to examine witnesses under oath, to be administered by any one of them, to enter upon and view the premises if they shall deem it necessary, and to adjourn from time to time; and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimate and assessment, and file the same with the town clerk; and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands and real estate; and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council or of the said commissioners, may appeal therefrom to the circuit court of the said county of Hudson, within sixty days from the time of making the final order of the common council; and the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

Notice of meeting of commissioners to be given by advertisement.

Report, when ratified and adopted, binding.

Proviso.

64. *And be it enacted*, That in case of non-payment by said town on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment made, by the person or persons entitled thereto, if no appeal to the circuit court as aforesaid be made, the person or persons entitled thereto may sue for and recover the same from the said town of Harrison in an action of debt, with costs, in any court having cognizance thereof; and the proceedings of the said commissioners and common council or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Actions of debt against town may be brought for damages assessed.

65. *And be it enacted*, That the treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such lands and real state, if resident in the said town, the amount of such estimate and assessment of damages due to him or them; but if any such owner is not a resident in the town, or upon due inquiry cannot be found therein, or

Treasurer to pay or tender to owner amount of damages assessed.

Refusal to receive the same

is a lunatic or idiot, or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts, and file the same with the town clerk; and the common council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed in the town treasury for the use of the person to whom it may be due; and the said moneys so placed in the town treasury shall be paid by the town to the person or persons entitled thereto, on demand, without interest, except from such time as the demand may be made and payment refused.

Costs, damages and expenses of laying out and opening streets, &c., to be assessed on owners of lands.

66. *And be it enacted*, That in order to provide for the payment of the costs, damages, and expenses of laying out and opening, altering, widening, or straightening any street, road, highway, or alley within said town, the common council shall ascertain the whole amount of such costs, damages, and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all the lands and real estate intended to be benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and that in order to provide for the payment of the costs, damages, and expenses of constructing any sewer or drain in any part of said town, the common council shall ascertain the whole amount of such costs, damages, and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire, and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages, and expenses shall be assessed upon and paid by the town of Harrison.

Commissioners to be appointed to make assessments.

67. *And be it enacted*, That the common council shall appoint three disinterested freeholders of said town, commissioners to make any such assessments, unless, in the acts and proceedings of the said common council, for the purpose of carrying out such improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate taken and appropriated for such improvement or work; as authorized in the sixty-first section of this act, in which case the same commissioners appointed as aforesaid,

shall be the commissioners to make the assessment of the whole amount of the costs, damages, and expenses of such improvement or work in the manner herein required.

68. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation before the town clerk to make the said assessment fairly and impartially, according to the best of their skill and judgment. Commissioners to take oath.

69. *And be it enacted*, That the said commissioners shall make a report, by a certificate, in writing, of the assessment so made, and before proceeding to sign the same, shall place the said report in the office of the town clerk, for examination by the parties interested therein, and shall give notice for ten days successively, by posting advertisements in five of the most public places in said town, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners, and after hearing the parties, the said commissioners shall proceed and complete the report and sign the same, and return the said report, with all objections, in writing, which shall be presented to and left with them by any of the parties interested, to the said common council. Commissioners to make report.

70. *And be it enacted*, That the whole amount of the costs and expenses of regulating, grading, and paving any street or section of a street, or grading, graveling, flagging, macadamizing, or otherwise improving any street or section of a street, shall be assessed upon the owners of lands and real estate upon the line of said street or section of a street; and whenever such improvement shall have been made under the provisions of this act, the common council shall ascertain the whole amount of the costs and expenses of such improvement in any street or section of a street, and shall cause to be made a just and equitable assessment thereof upon the owners of lands and real estate on the line of said street or section of a street, by the said commissioners; *provided*, that the provisions of this section shall not be construed to apply to necessary repairs to any street, road, highway or alley; *provided also*, that after any street or section of a street, shall be once entirely paved or macadamized at the expense of the owners of property as aforesaid, the common council shall take charge of and keep the same in repair without further direct assessment on the property of such street or section of a street. Costs and expenses of paving street to be assessed on lands.   
Proviso.   
Proviso.



Report of assessment to be made.

Proceedings in case of objection to report.

Council may return or ratify report.

Vacancies in commissioners, how filled.

Certificate, when ratified, to be delivered to treasurer.

Notice of payment to be published.

71. *And be it enacted*, That every certificate or report of assessment made as aforesaid under the provisions of this act, and presented to the common council, shall be referred by them to the proper committee for consideration, and in case of any objections in writing being returned with such report, the said committee shall publish a notice by posting the same at five of the most public places in said town, for ten days successively, to the parties interested, of the time and place and when and where they will meet to hear them on the objections and report; the said committee shall thereupon examine the matter and report to the common council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

72. *And be it enacted*, That the common council shall thereupon examine the matter and may correct said report and assessment, if they deem proper, and ratify the same; and every certificate of assessment which shall be duly ratified by the common council, shall be final and conclusive; or they may return such report and assessment to the said commissioners who may have signed the same, and the like proceeding shall be had when the report is returned as in the first instance.

73. *And be it enacted*, That in case of the resignation, death or disability of one or more of the commissioners appointed under the provisions of this act, it shall be lawful for the common council to supply by appointment the vacancy or vacancies caused by such death, resignation or disability.

74. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the common council, such certificate shall be delivered to the treasurer, and on the receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessments and enter the same in a book to be kept for that purpose, and shall give notice for ten days successively, by posting the same in five of the most public places in said town, stating in general terms the streets or sections of streets, comprised in such assessment, and requiring the owners of land and real estate assessed in such certificate to pay the amount to him at his office within sixty days from the first publication of the notice, and from and after the expiration of the said sixty days every such assessment so ratified as aforesaid by said common council shall be payable, with in-

terest thereon, at the rate of seven per centum per annum, until the same be paid, and such interest shall be collected thereon by the same means as, and as part of the assessment, and the same shall, to all intents and purposes, be deemed and held to be part of the assessment, and as such, a lien upon the lands and real estate in respect whereof the assessment is made.

75. *And be it enacted*, That if any such assessment upon any lot, tract or parcel of land and real estate shall not be paid within the time appointed in the said notice, the common council of the said town may, as they shall deem proper, either bring an action on the case in any court of competent jurisdiction in the name of "The Town of Harrison," against the owner or owners of such lot, tract or parcel of land and real estate for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give the special matter in evidence, and either party from any judgment rendered therein may have the same remedy by appeal, or otherwise, as if said parties were private individuals, or the said common council may order and direct the treasurer to collect such assessment by public sale, by auction of the lands and real estate whereon such assessment has been imposed or may be a lien; in which case, the lands and real estate so made liable, and upon which said assessments are made as aforesaid, shall be sold in the manner provided in this act for the sale of lands for unpaid taxes, which are a lien upon lands and real estate.

Actions for  
collection of  
assessments.

Persons ag-  
grieved may  
appeal.

76. *And be it enacted*, That nothing contained in this act shall be construed to affect any agreement between the owner or owners of any lands and real estate and the occupant or tenant thereof, respecting the payment of any tax or assessment on such lands and real estate; but they shall be answerable to each other in the same manner as if this act had not been passed; and if any such tax or assessment shall be paid by any person, when by agreement or by law, the same ought to have been paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the amount of such tax or assessment, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same, and the proof of such tax or assessment, and of the payment thereof, shall be conclusive evidence in said suits, and in all cases where there is no

Act not to af-  
fect any agree-  
ment between  
owners and  
tenants.

agreement to the contrary; the owner or owners of the land and real estate upon which such tax or assessment shall have been imposed or may be a lien, and not the occupant or tenant, shall be deemed the person or persons who in law ought to bear and pay such tax or assessment.

Portion of costs, damages and expenses for altering or widening any street to be assessed on railroad company when used by same.

77. *And be it enacted*, That whenever any street, or part of a street, in said town, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions of this act, it shall be lawful for the commissioners appointed by the common council, and whose duty it may be, to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening, among the owners of all the lands and real estate intended to be benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track as shall to them seem equitable and just; and such assessment shall be a lien upon any property of said corporation or company in the town of Harrison, and may also be enforced in the same manner as the assessment upon such owners of land and real estate intended to be benefited thereby.

Surveys to be made and filed of streets opened.

78. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to cause surveys to be made, and the same to be filed in the office of the clerk of the county of Hudson, and recorded in the book of record of roads and highways for the said county, of such streets, roads, highways and alleys, as they may think proper, which heretofore have been, or at any time hereafter may be opened by the owner or owners of any land over which the same runs, and which have been by such owner or owners dedicated to the public by permitting the public to use the same, and by selling lots fronting thereon; and all such streets, roads, highways and alleys, when surveyed and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects.

When streets considered public highways.

79. *And be it enacted*, That no street, road, highway or alley, laid out and opened within said town since the first day of January, one thousand eight hundred and sixty-nine, or hereafter to be laid out and opened, shall be recognized, considered or treated as a public street, road, highway or alley,

unless the same has been or shall be laid out and opened under the direction of the common council, or has been or shall be surveyed, and such survey filed and recorded as aforesaid.

80. *And be it enacted*, That whereas there are several roads, highways and streets within the said town, the lines of which have not been and cannot be certainly ascertained by reason of the indefinite surveys, and deficient plots and maps thereof, for the better fixing upon and settling the lines and courses of said streets, roads and highways, the common council of said town shall and may appoint from time to time four disinterested freeholders of said town as commissioners, who shall constitute a commission to run, mark, lay out and designate the lines and courses of any such streets, roads or highways, as are not and have not been ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out and designate the lines and courses of any such streets, roads or highways within said town, and shall make a full and clear map and profile of said streets, roads or highways, or such part thereof as they shall run, mark and lay out, designating by some notable and prominent marks or monuments, the beginning and endings of said street or part thereof, as aforesaid, which said maps or profile, certified under the hands of said commissioners, or a majority of them, shall be recorded in the office of the town clerk, which said record or original map or profile so filed as aforesaid shall be full evidence of the streets, roads or highways, or part thereof, as the case may be, and of its lines and courses, and the said commissioners shall receive for their services such compensation as shall be made and granted by the said common council.

Council may appoint commissioners to ascertain lines of streets.

Map and profile to be made

81. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the common council, and such certificate shall be delivered to the treasurer, and the abstract of such assessment entered in the book to be kept for that purpose, and the notice given of such assessment as required by this act, it shall and may be lawful for any of the owners of the land or real estate so assessed, and to whom such notice is given, to enter into a bond to said town, conditioned for the payment of such assessment in five years from the time of the expiration of said sixty days' notice, in payments of twenty per centum per annum, with interest from the time of the expiration of said sixty days' no-

Owners of land may give bonds to town for payment of assessments

tice upon the amount of said assessment, at any time remaining unpaid, at the rate of seven per centum per annum, payable semi-annually; in which case it shall not be lawful for the said town to sell the land or real estate of such owners entering into such bond for the payment of such assessment, unless failure be made in the payment of such assessment, according to the condition of said bond; and in case such failure be made, the said town may either sue said bond or sell said land and real estate, the same as though said bond had not been given, and the amount realized by such suit or sale shall be placed to the credit of said town, or paid over to the holder or assignee of said bond, or to the legal representatives of such holder or assignees.

Council may borrow money in anticipation of taxes.

82. *And be it enacted*, That in all cases where the common council are authorized to make or levy an assessment for any improvement under this act, they shall be authorized to borrow the amount of any such assessment, or any portion thereof, in anticipation of the collection of said assessment, to be expended only in payment of such improvement or loans for the payment thereof, and for that purpose to issue the bonds of the town, to be called "Improvement Bonds of the Town of Harrison," payable in six years from the date thereof, with interest at the rate of seven per centum per annum.

No person incompetent to act as juror, &c.

83. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which "The Town of Harrison" is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant, freeholder or freeman of said town; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue and give this act and special matter in evidence at the trial.

Duties of the judges of election.

84. *And be it enacted*, That the judges of election elected at the last annual charter election shall have all the powers and perform all the duties which are by this act conferred and imposed upon the judges of election of said town hereafter to be elected.

No councilman to hold other office or be interested in contracts.

85. *And be it enacted*, That no member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office, the salary or emoluments of which are paid from the treasury of said

town, nor shall any councilman hereafter to be elected be competent to hold the office of school trustee, or of police justice of said town, but upon being qualified and entering upon the discharge of his duties as a member of the common council, such office of school trustee or police justice, if held by him, shall thereby become vacant and may be filled according to law; and no member of the common council shall be directly or indirectly interested in any contract as principal, surety or otherwise, the expense or consideration of which is paid from the treasury of said town.

86. *And be it enacted*, That the president of the common council, the chairman of the finance committee, the treasurer of the town, for the time being, and two commissioners to be appointed by the common council, shall constitute and form, and be denominated "The Commissioners of the Sinking Fund of the Town of Harrison." Commissioners of sinking fund.

87. *And be it enacted*, That there shall annually be assessed, levied and raised by taxation in said town, in the same manner in which other taxes for town purposes are assessed, levied and raised, an amount equal to four per centum of the bonds and other evidences of debt made and issued by the said town, except in anticipation of taxes and assessment as provided by this act, which amount is hereby pledged, appropriated to, and shall constitute and form a fund to be called the "Sinking Fund of the Town of Harrison;" and said money thus raised, shall from time to time, as the same is received by the treasurer, be paid over by him to the said commissioners, and invested by them in some safe and responsible institution for savings in the city of Newark, to be designated by said common council, and only used by the said commissioners for the payment of the said bonds or other evidences of debt, except such as may be given in anticipation of taxes and assessments as aforesaid, as the same severally fall due, and no sooner, except by the order of the said common council; and all interest accruing on such fund shall be regularly credited thereto for the redemption of the said bonds and other evidences of indebtedness except as aforesaid. Amount to be assessed and appropriated to sinking fund. Money, how invested.

88. *And be it enacted*, That the amount to be raised by taxation referred to in the last preceding section, shall be a lien upon the lands and real estate on which the same is levied or assessed, and if unpaid may be collected by suit or sale of such land and real estate in the same manner as is Amount to be raised by taxation to remain a lien on lands.

provided by this act or any of the provisions thereof relative to any unpaid tax or assessment.

Commissioners of sinking fund to make report.

89. *And be it enacted*, That the said commissioners shall have the full management and control of the said sinking fund, subject to any ordinance passed by the said common council prescribing and defining their duties as such commissioners; the said commissioners shall annually make a full and detailed report in all respects, of the state of said fund to the said common council at their first meeting in the month of January, or at such other time as the said common council may direct.

Bonds, when due and payable.

90. *And be it enacted*, That in case the said commissioners shall ascertain at any time before the maturity of the bonds or other evidences of indebtedness, for which the said sinking fund is pledged, that the amount thereof will enable them to pay said bonds or other evidences of indebtedness for which said fund is pledged, with the interest thereon, they shall immediately report the same to the said common council, who shall thereupon cease to levy the tax for such sinking fund, and the said commissioners shall immediately call in said bonds or other evidences of indebtedness for which said sinking fund is pledged, and pay off and cancel the same; if after the payment of said bonds or evidences of indebtedness, whenever such payment shall be made, any balance of said sinking fund shall remain on hand, the same shall be paid by said commissioners to the town treasurer, for the purposes of said town.

Vacancies in commissioners of sinking fund, how filled.

91. *And be it enacted*, That in case of the death, resignation or inability to serve from any other cause, of either or both of the said two commissioners of the sinking fund, to be appointed by said common council, the said common council shall have full power and lawful authority to appoint other commissioner or commissioners, as the case may be.

Town of Harrison made one school district.

92. *And be it enacted*, That the said town of Harrison shall be consolidated into one school district, and that the said school district shall possess all the powers and privileges, and be subject to all the penalties mentioned and set forth in the act of the legislature of the state of New Jersey entitled "An Act to establish a system of public instruction," approved March twenty first, eighteen hundred and sixty-seven, and the several supplements thereto, so far as may be compatible with the provisions of this act.

93. *And be it enacted*, That the present school trustees



elected in said town of Harrison, and such school trustees as shall hereafter be elected in said town of Harrison, in accordance with the provisions of this act, shall constitute and be called "The Board of Education of the Town of Harrison," and shall become and be a body corporate and politic, in fact and in name, by the name of "The Board of Education of the Town of Harrison," and by that name, they and their successors, forever, shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law or equity, and that they and their successors may have a common seal and alter the same at their pleasure.

94. *And be it enacted*, That the said board of education shall annually elect a president from its own body, or in his absence, a president pro tempore, appoint its times and places of meeting, and determine the rules of its own proceedings; it shall also appoint a secretary, who shall keep a journal of its proceedings, and perform such other duties as the board may prescribe; a majority of the whole number of trustees shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted, unless with the consent of a majority of the whole number of trustees; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

95. *And be it enacted*, That the board of education shall prepare and transmit to the common council of the said town of Harrison, on or before the last meeting of said council in the month of May of each year, an estimate of the amount of moneys necessary for the support of public schools in said town, during the year; which estimate shall specify particularly, under the several heads of erection and repairs of school houses, salaries of teachers, school books, school furniture, and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required by each branch of expenditure; and the said common council shall determine by resolution the amount of moneys to be appropriated to public schools during the year, including therein the quota of said town of Harrison of the annual appropriation, made by the state for the support of public schools; and the said common council are hereby empowered to

raise by tax such sum or sums of money for the support of public schools in said town of Harrison, as they may deem expedient and necessary, and all moneys so raised and appropriated shall be expended by the said board of education for the support of public schools in said town of Harrison, according to the provisions of this act.

Board of education to erect school houses.

96. *And be it enacted*, That the board of education shall take charge of the erection of any public school house or houses in the said town of Harrison, and of the same after being erected, and shall cause all necessary repairs to be made to the same and said board is also empowered to establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools ; to select and employ teachers ; to provide school books, school furniture and school libraries for the schools ; to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the said school or schools as may be necessary ; and to adopt rules and regulations for the admission of pupils, the visitation and instruction of the schools, and the government and studies to be pursued therein ; and the said board of education, with the concurrence of the common council of said town of Harrison, are further empowered to purchase real estate for school purposes, and to erect a school house or school houses thereon, for the use of the public school or schools ; and the real estate so purchased as aforesaid shall be vested in the said, "The Board of Education of the Town of Harrison ; *provided, nevertheless*, that the said board shall at no time make or incur any expenditure exceeding the amount appropriated by the common council of said town of Harrison for school purposes ; and that all moneys so appropriated shall be expended by the said board in compliance with the laws of this state.

May purchase real estate.

Proviso.

Board to prepare and make annual report.

97. *And be it enacted*, That the board of education shall, at the close of each fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, the annual cost of each and every school, and a full and true account of the expenditures of said board during the year, under the respective heads of erection and repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses ; and shall transmit the said annual report to the said

common council, and a copy thereof to the state superintendent of common schools; and the said board shall give such other information to the common council in relation to the public schools as the said common council shall, by resolution, require, and shall also notify the said common council of any vacancy which may occur in the said board of education.

98. *And be it enacted*, That the said board of education shall have power from time to time to appoint a town superintendent of public schools of the said town of Harrison, and such other officers or agents as they may deem necessary for the proper maintenance of the public schools of said town, prescribe their duties and fix their compensation, which appointments shall continue during the pleasure of said board of education, and no longer.

Board to appoint superintendent and other officers.

99. *And be it enacted*, That whenever and so often as the common council shall, by resolution, direct the treasurer of said town to credit the said board of education with a sum or sums of money for the support of public schools in said town, it shall be the duty of the treasurer of the said town immediately after the receipt of a copy of such resolution, duly certified by the town clerk, to enter on his books the sum or sums of money therein mentioned to the credit of "The Board of Education of the Town of Harrison," and the treasurer of said town shall pay, on presentation, all drafts drawn upon him by order of the board of education, duly attested by the signatures of the president and secretary of said board, to an amount not exceeding the balance remaining on his books to the credit of said board of education, and shall preserve such drafts as vouchers, to be exhibited in the settlement of his accounts as treasurer of the said town of Harrison.

Treasurer to pay all money for school purposes.

100. *And be it enacted*, That it shall be the duty of the assessors of the said town, and they are hereby authorized and required to make out a list of the children capable of attending school, between the ages of five and eighteen years, within said town, specifying the age of each child in years, together with the names of the parents or guardians of such children, and to transmit the same under proper certificate on or before the first day of August, annually, to the said board of education, and the number of children in said list shall be duly certified by the said board to the county superintendent of the county of Hudson, on or before the first day of September next, succeeding the return of said lists as aforesaid;

Assessors to make list of school children.

and the quota of the town of Harrison, in the apportionment of the moneys appropriated by law to public schools in this state, shall be determined by the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted according to the provisions of an act entitled "An Act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven, and the supplements thereto.

Annual appropriation for public schools

101. *And be it enacted*, That the town of Harrison shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall, from time to time, be paid to the treasurer of said town, to be expended for the support of public schools in said town, according to the provisions of this act.

Board of education to make and issue bonds.

102. *And be it enacted*, That it shall and may be lawful for the said board of education to make and execute, in the corporate name of said board of education, and to deliver bonds to the purchaser or purchasers thereof, for the payment of money in sums not less than one hundred dollars each, to an amount in the aggregate not exceeding the sum of fifteen thousand dollars, and payable not more than twenty-five years from the date thereof, with interest at seven per centum per annum, payable semi-annually, and containing a condition for the payment by the said board of education of all taxes which may be assessed, levied or imposed upon the money mentioned in and intended to be secured by the said bonds, until the principal thereof shall be paid; and it shall and may be lawful for the said board of education to negotiate for the sale of said bonds, and to secure the payment thereof by a mortgage or mortgages, executed by said board of education of and upon any school-house or school-houses, and the lot or lots thereto attached, situate within the bounds of the said school district, and the proceeds of the said bonds shall be used and appropriated exclusively by the said board of education for the purpose of purchasing a lot or lots in the said school district, and erecting thereon a school-house or school-houses, and furnishing the same for the educational purposes of said school district.

Proceeds, how applied.

Special tax.

103. *And be it enacted*, That to provide for the yearly payment of said bonds, and all the interest accruing upon the same, the said board of education shall, on or before the twentieth day of April in each and every year hereafter,

until the whole principal of said bonds and interest shall be paid, certify under the hands of the president and secretary of said board, by resolution, to the assessors of taxes for the said town of Harrison, the amount which will be necessary to pay the interest due on said bonds, and also the amount of the principal of said bonds falling due during the ensuing year, which sum the said assessors are hereby authorized and required, when making their annual assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said district, in the same manner as other town taxes are or shall be assessed, which special tax shall be collected at the same time by the same officer, and in the same manner as other town taxes are or shall be collected in said town, and said special tax shall be separately accounted for and paid over as soon as may be by said collecting officer to the treasurer of said town, who shall place the same to the credit of said board of education, by whom the same may be drawn for the payment of said bonds as they fall due, and of the interest becoming due thereon, and for no other purpose whatever.

104. *And be it enacted*, That the said tax mentioned in the last section shall be a lien upon the lands and real estate upon which the same is levied and assessed, shall bear the same interest, be payable at the same time, and shall and may be collected by suit, or otherwise, in the same manner in which all other unpaid taxes in said town are liens, bear interest, are made payable and may be collected. Special tax to be a lien on lands.

105. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with and repugnant to this act, or any of its provisions, are hereby repealed, but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects, in the same manner, and with the same effect as though this act had not been passed. Repealer.

106. *And be it enacted*, That N. Norris Halsted, William H. McClave and Jerome B. Ward, shall be, and they are hereby appointed commissioners to ascertain the just proportion of debts now owing by the township of Kearney, if any Commissioners to ascertain amount of debt, &c.

there be, which ought to be paid by the said "The Town of Harrison," in proportion to the amount of taxable property and ratables which may be taken from the said township of Kearney, and incorporated within the bounds of the said town of Harrison, according to the provisions of this act;

Time of meeting. said commissioners shall meet on the second Wednesday in April next, at ten o'clock in the forenoon, at such place as they or a majority of them may designate, in the said town of Harrison, and may adjourn from time to time, as the majority may direct; should any of said commissioners die, neglect, or refuse to meet as aforesaid, the other commissioners may fill the vacancy thus occurring, by the appointment of a suitable person, who shall be a citizen of the same place as

Vacancies, how filled. was the commissioner whose vacancy is thus to be filled; the decision of said commissioners, or of a majority of them, shall be final and conclusive; and the said common council shall pay such proportion of the said debt of Kearney township, and the interest thereof, as may be determined by said commissioners, or a majority of them, as aforesaid, at the time or times when the same shall become and be due and payable.

Commissioners to make determination &c.

107. *And be it enacted*, That the said commissioners, whenever and so soon as they shall have made their determination as to the said amount of debts to be paid by the said "The Town of Harrison," shall reduce such determination to writing, and they, or a majority of them, shall sign the same, and deliver the same in duplicate, one to the said clerk of the town of Harrison, and one to the clerk of the township of Kearney.

Paupers.

108. *And be it enacted*, That any pauper, who shall have acquired a settlement within that part of the township of Kearney, which, by this act, shall be annexed to the said "The Town of Harrison," shall be and become chargeable to the said "The Town of Harrison."

Act not to take effect until ratified by majority of voters.

109. *And be it enacted*, That this act shall not take effect until it is submitted to a vote of the people in said township at an election to be called for that purpose to be held at the usual place or places of holding elections therein, and be ratified by a majority of the electors voting at such election, those voting for said charter shall vote "for charter," and those opposed "against charter," and shall be deemed and taken to be a public act, and the legislature may at any time

alter, modify or repeal the same, and that said election shall be held on the second Tuesday in May next.

Approved April 4, 1872.

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## CHAPTER DXCIV.

A Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March fourth, anno domini eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the city printing shall be printed in the Elizabeth Daily Journal, the Elizabeth Daily Herald, the Elizabeth Daily Monitor, and The Freie Presse, a newspaper printed and published in the city of Elizabeth in the German language, and in no other newspaper, and said printing shall be printed at the legal rates at the expense of said city. City printing.

2. *And be it enacted*, That all acts and parts of acts in- Repealer.  
consistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.



## CHAPTER DXCV.

An Act to repeal an act entitled "A Supplement to an act entitled 'An Act to re-organize the local government of Jersey City,' " passed March thirty-first, eighteen hundred and seventy-one, which said supplement was approved April sixth, eighteen hundred and seventy-one.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement approved April sixth, eighteen hundred and seventy-one, entitled "A Supplement to an act entitled 'An Act to re-organize the local government of Jersey City,' " passed March thirty-first, eighteen hundred and seventy-one, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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CHAPTER DXCVI.

An Act to cede to the Mayor and Common Council of Jersey City certain lands of the state now and heretofore under the tide waters of Communipaw Bay, and to establish a tide water basin adjacent thereto.

Preamble.

WHEREAS, the riparian commissioners of the state of New Jersey, in their reports for the years eighteen hundred and seventy-one and seventy-two, have called the attention of the legislature to the fact that Jersey City is without public docks, and have recommended that a part of the large basin, laid out by the commissioners in eighteen

hundred and sixty-four, be conveyed to the mayor and aldermen of Jersey City for public uses; therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said state doth hereby grant, to the mayor and aldermen of Jersey City, in fee simple, so much and such parts of the lands which are now under tide-water, or were heretofore under tide-water of said Communipaw bay, commencing at a point in the centre of Van Vorst street, if extended southerly, and distant thirteen hundred feet southerly from the southerly line of Grand street, Jersey City, and from thence running westerly, and parallel with Grand street, one thousand and ninety feet; thence northerly, at right angles with Grand street, eight hundred and ten feet to the centre of Morris street, if extended westerly; thence easterly, and parallel with Grand street, to the present high water mark, on the southwesterly side of the Morris canal; thence southeasterly along said high water mark to the centre of Van Vorst street; thence southerly through the centre of Van Vorst street, if extended southerly, to the place of beginning.

Grant by the state to Jersey City, and boundaries.

2. *And be it enacted*, That the said mayor and aldermen, by their appropriate board, shall have full control and regulation of the basin and wharves and land conveyed to them: and they shall be and are hereby required to improve the same with all convenient despatch in such manner that, at least, one third of the area of said lands shall be flowed by the tide water and made navigable for such vessels as the citizens or inhabitants of said city, or persons doing business therein, may, under the control and regulation of said board, desire to use said basin.

Mayor and aldermen to control and improve wharves.

3. *And be it enacted*, That for the title hereby conveyed the said city shall pay into the treasury of the state, or give to this state, a bond for such sum of money, and on such terms as to payment and interest as the board of riparian commissioners shall, under all the circumstances of the case, and taking into consideration the public purposes to which said lands are to be applied, fix and determine as a proper and equitable compensation to the state for such title, and until the giving of such bond, or the payment of such money, said city shall not enter on said lands; *provided*, nothing in this act contained shall prejudice or impair the rights of the shore owners to said lands.

Riparian commissioners to determine compensation

Proviso.

4. *And be it enacted*, That the said city may fill up, reclaim

City may fill up, reclaim wharves, and charge dockage.

Proviso.

Tide water basin, boundaries.

Owners of land adjoining may charge dockage.

Commissioners to make and file description and map of lands.

and make wharves, of not exceeding two-thirds of the area of said lands, and may charge dockage and wharfage for the use of said basin and wharves; *provided*, said charges are reasonable, or they may lease the whole or any part of the said lands for a term of years, to be improved in the manner prescribed in this section.

5. *And be it enacted*, That there shall be established adjacent to the lands hereinbefore described and granted a tide water basin, embracing all that tract of land under water described as follows: commencing at a point on the easterly line of Warren street if produced southerly, distant eighteen hundred feet southerly from the southerly line of Grand street, Jersey City, which point is at the southwesterly corner of the grant made to the Morris Canal and Banking Company; and from thence running westerly and parallel with Grand street twenty-eight hundred feet; thence northerly at right angles with Grand street five hundred feet; thence easterly and parallel with Grand street twenty-eight hundred feet, to the easterly line of Warren street; thence southerly along said easterly line of Warren street extended southerly five hundred feet to the place of beginning; that the above tide-water basin in this act described shall be and remain and the same is hereby dedicated as and for a tide-water basin; and owners of any land which shall adjoin the said tide-water basin, their successors, heirs and assigns, may charge wharfage, dockage and other charges incident to the use of wharves; and it is hereby declared that this provision shall have the effect of a contract, so that the said tide-water basin shall be and remain such forever; but so that the said tide-water basin shall be dredged and kept in order without expense to the state.

6. *And be it enacted*, That the board of riparian commissioners shall reduce to writing a description of so much and such parts of said lands as aforesaid, and file a map and description in the office of the secretary of state of this state, and duplicates of said map and description in the office of the clerk of the county of Hudson, authenticating the same in such case by their signatures, and reciting such parts of the act as shall indicate their authority and the purpose and object of said map and description, and said map and description or duly certified copies thereof shall be full and plenary evidence of the title under this act of the city to the lands so

described and granted, to the mayor and aldermen of Jersey City, by the first section of this act.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXCVII.

### An Act to incorporate the Hughesville Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb H. Valentine, Edward H. Bird, Valentine Mutchler, Robert Rusling, John L. Reigel, William Sweeney, Henry G. Hughes, Abraham S. Hewitt, and such other persons as may be hereafter associated with them, be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Hughesville Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be demed personal property, and transferable in such a manner as the said corporation shall by their by-laws direct.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state; and that at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as twenty-five thousand dollars of the capital stock shall be subscribed,

Election of directors.

such commissioners shall give like notice for a meeting of the stockholders, to choose not less than nine directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred by the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of the corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by laws of the said corporation shall provide.

Vacancies, how filled.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Failure to pay installments to forfeit shares.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments, and at such times, as they may direct, by notice published in at least one of the newspapers published in said county, for a term of not less than three weeks; and in case of non-payment of said installments, or any one of them, to forfeit the share or shares

upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be, and are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from or near Bloomsbury or Springtown, in the county of Hunterdon, to a point on the river Delaware, in or near the town of Reigelsville, in Warren county, as may be deemed advisable; and also to construct or to contract with other parties for the construction of a bridge, ferry or other convenient means of crossing the river Delaware, by and with the consent of the state of Pennsylvania, but so as not to obstruct the navigation of said river, and also to construct such branches or lateral roads, not exceeding each five miles in length, as may be necessary or desirable to afford access to any mines, furnaces or factories in the vicinity; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route or routes of such railroad and branches, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails, and to do all other things which shall be suitable or necessary for the completion or repairs of the said road, subject to such compensation as is hereinafter provided; *provided*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavations, or the height of the embankment, it is ne-

Empowered  
to construct a  
railroad.

May enter on  
lands.

Proviso.

Proviso.

cessary to take more land for the slope and protection of the side banks of the said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many set of tracks and rails as the company may deem necessary; *and provided always*, that the payment or tender of payment of all damages, for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of said land be first had and obtained.

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road and branches shall be given in writing, under the oath or affirmation of some engineers or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of the said commissioners, (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a



true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages as shall be paid by the company for such lands or material and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oath or affirmation aforesaid in the clerk's office in the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable or right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may lie.

Report to be made and filed.

Proviso.

3. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in form of petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and a notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and

Proceedings case of appeal.

power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried in the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then the cost to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the parties or party entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his or their appeal from the report of the commissioners; *provided further*, that

Enjoining.

Provided.

in case of appeal from the award of the commissioners by either party, the said company, upon depositing the amount of said award, in the said circuit court to abide the result of such appeals, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road shall intersect and cross the same, so that the passages of carriages, horses and cattle along said road shall not be obstructed; and likewise when the said railroad shall intersect any farms or lands of any individual to provide and keep in repair suitable wagon ways over or under the said road.

Bridges to be constructed and kept in repair.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroads, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, said company, whenever it may become necessary to cross any navigable river or creek, with their road, shall construct a bridge or bridges with suitable and sufficient draws so as not to obstruct the navigation thereof.

May purchase and hold real estate, &c.

Proviso.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said railroad.

Dividends.

12. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company all machines, engines, wagons, carriages, or other vehicles for the transportation of persons or any species of property on the railroads as they may think fit, reasonable, expedient or right.

May purchase equipments.

May make  
contracts.

13. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals for building and operating the said railroad and bridge, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Penalty for  
injuring  
works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons, so offending, shall forfeit and pay to said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction in an action of debt; and further, shall be liable for all damages.

May connect,  
lease or con-  
solidate with  
any other rail-  
road.

15. *And be it enacted*, That the said railroad company is hereby authorised to connect its railroad with any other railroad or railroads in the county of Hunterdon or Warren, and to lease its railroad to (or consolidate with) any other railroad company, which is hereby authorized to take such lease, and operate the same for such term or times, and on such terms as the said parties may agree upon.

Other corpo-  
rations may  
endorse or  
guarantee  
bonds.

16. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee the bonds of the said Hughesville railroad, and in any other way which the parties may agree upon, aid the said company in the construction of its said railroad.

Statement to  
be made.

17. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday of January of each year he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one half per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power

State tax.

for that purpose at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

18. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section. Authorized to mortgage road and to issue bonds.

19. *And be it enacted*, That if the said railroad shall not be commenced within five years and be completed at the expiration of ten years from the first of July next, that then and in this case this act shall be void as to any portion thereof which shall not be built and operated. Limitation.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge. Free passes.

21. *And be it enacted*, That the said railroad is empowered to connect with and to cross any other railroad. May cross any railroad.

22. *And be it enacted*, That when any part of the said railroad shall be completed, the said company may commence operating the same for the transportation of passengers and When to commence business.

property, enjoying all the privileges and subject to the restrictions created by this act.

23. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXCVIII.

An Act to authorize the appointment of commissioners to lay out streets and avenues through certain lands in the township of Bloomfield, in the county of Essex, and for other purposes.

Commissioners and term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Warren S. Baldwin, Thomas W. Langstroth, John H. Chambers, John Sherman and Andrew Ellor, be and they are hereby appointed commissioners of streets and avenues in the township of Bloomfield, for the term of one year, for the purpose of performing the several acts and duties hereinafter prescribed.

Vacancies, how filled.

2. *And be it enacted*, That in case of the death, resignation or refusal to act of any or either of said commissioners, it shall and may be lawful for the remaining commissioners, or a majority of them, as often as such event or vacancy shall happen, to appoint a suitable person or person to fill such vacancy or vacancies, and such appointees, respectively, shall have all the power and authority vested in a commissioner by this act, and at the expiration of the said term of one year fixed in and by the first section of this act, successors of said commissioners shall be appointed by the town committee of said township for the term of one year, and said town committee shall hereafter continue to appoint such commissioners yearly until their duties under this act are completed, and in case of the refusal or omission of said town committee at any time to appoint said successors, the commissioners then in office shall continue to hold their said office, and to act as such commissioners until their successors shall be duly appointed,

Town committee to appoint commissioners.

anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

3. *And be it enacted*, That it shall and may be lawful for said commissioners, or a majority of them, and they shall have and possess exclusive power, to lay out streets and avenues through the lands hereinafter described and not elsewhere, beginning in the southerly line of said township on the westerly side of the mill pond, formerly owned by Calvin Dodd; thence easterly along said southerly line to the northerly side of Watessing avenue; thence along the same to the westerly side of Orange street; thence along the same to the westerly side of Bloomfield avenue; thence along the same to the easterly side of Congar street; thence along the same to Railroad avenue; thence west in a straight line to a point six feet west of said Railroad avenue, and thence in a straight line to the place of beginning; said streets and avenues may be of such width, extent and direction, and of such grades as to them shall seem most conducive to the public good; nothing in this act shall authorize any interference with any roads or avenues heretofore laid out by the surveyors of highways (excepting Railroad avenue), and the width of any of said streets or avenues shall not exceed sixty-six feet.

4. *And be it enacted*, That it shall be lawful for the said commissioners, and for all persons acting under their authority, to enter, in the day time, into and upon any lands, tenements and hereditaments which they shall deem necessary to be surveyed, used or converted, for the laying out, opening or forming of any street or avenue as aforesaid.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall cause two similar maps of said streets and avenues so to be laid out by them, as aforesaid, and of the grades thereof, to be made upon such a scale as they shall deem proper, accompanied by such field notes and explanatory remarks as the nature of the subject may require, which maps, or one of them, shall be deposited at some place in said township, or in the city of Newark, to be designated by said commissioners, or a majority of them (of which deposit notice shall be given by advertisement in two daily papers, to wit: the Newark Journal and Newark Daily Advertiser, published in said city of Newark), and shall remain so deposited for the period of thirty days, during which they shall be open to the examination of all parties interested, and any person affected

Power to lay out streets and avenues through lands.

May enter on lands, &c.

Commissioners to make two maps of streets and avenues and the grade thereof.

Notice of deposit to be advertised.



by such map or survey may, during said period, present to said commissioners objections in writing to the same, or to any part thereof, and said commissioners, or a majority of them, shall thereupon examine and consider such objections, and may alter or modify their said maps and surveys in such manner as in their judgment, or in that of a majority of them, shall be most conducive to the public good.

Maps may be altered or modified.

Maps, when approved and adopted, to be filed.

Monuments to be erected.

Contracts, when void.

Commissioners to take oath.

Compensation

Maps, when filed, to be final.

6. *And be it enacted*, That at any time after the said commissioners, or a majority of them, shall finally approve and adopt said maps, the same shall be attested by them, or a majority of them, before any notary public or commissioner of deeds, and shall be filed, one in the office of the clerk of the county of Essex, and the other with the town clerk of said township; and the said commissioners, or a majority of them, shall erect, or cause to be erected, proper monuments at suitable places upon such streets and avenues, so as to denote the position and courses of the same, and to be noted on said maps.

7. *And be it enacted*, That it shall not be lawful for either of said commissioners, until said maps are filed, directly or indirectly to purchase or contract to purchase any lands, tenements or hereditaments within the said lands, and every deed, contract or conveyance contrary to the intent hereof shall be void; and before entering upon their duties, the said commissioners shall severally take and subscribe an oath before a judge of the court of common pleas for the county of Essex, faithfully and impartially to execute the duties of their said office.

8. *And be it enacted*, That each of said commissioners shall be entitled to receive as compensation for their services the sum of three dollars per day for time actually expended by them in the discharge of their duties under this act, and their actual and reasonable expenses incurred therein.

9. *And be it enacted*, That the plans and surveys of the said commissioners, or a majority of them, in respect to the laying out and location of streets and avenues within said lands, and their maps of the same, when filed as aforesaid, shall be final and conclusive, not only as to the said lands, but also as to the owners and occupants of lands, tenements and hereditaments therein, and as to all persons and corporations whatsoever; and no street, avenue nor square within the said lands, shall at any time after the filing of said maps be laid out, opened, graded or worked, except in accordance

with the plans and surveys of said commissioners, as shown by said maps made and filed as hereinbefore provided, excepting, however, such public roads as may have been heretofore ordered to be opened by the Essex public road board, or by the surveyors of highways; and any person or persons erecting or placing any building upon any of said streets or avenues, after the filing of said maps, shall not be entitled to compensation therefor, in case such street or avenue shall be afterwards opened and worked, but he may be permitted to remove the same therefrom, within such time as may be fixed by said commissioners, or a majority of them, and said streets and avenues so laid out by said commissioners shall be opened within five years from the passage of this act.

10. *And be it enacted*, That the owner or owners of any lands through which the said commissioners shall so lay out any street or avenue may, at his or their own expense, at any time after the filing of said map, open and work the same in a proper manner, within the limits of his or their respective lands, in accordance with the surveys, plans, width and courses laid down by said commissioners in their said maps; and in case of the opening and working of such street or avenue, as hereinafter provided, such owner or owners shall be entitled to an equitable allowance, by way of deduction on any assessment for the opening and working of the same, such allowance to be determined by said commissioners, or a majority of them.

11. *And be it enacted*, That the owners of the majority of the lineal feet of the lands fronting on any street or avenue so laid out as aforesaid, may apply by written consent or petition to said commissioners, to open and work the same, or any part thereof, and the owners of the majority of the lineal feet of the lands fronting on any block or subdivision of said street or avenue, may, in like manner, apply to said commissioners to open and work such block or subdivision, and the said commissioners, or a majority of them, shall thereupon, within twenty days thereafter, proceed to make, according to the best of their skill and judgment, a fair, just and impartial assessment or award of the damage sustained by the owner or owners of any lands, tenements or hereditaments which may be required to be taken for that purpose, and to assess the said damages and the other expenses of such opening, as equitable as may be upon the owner or owners of any lands upon the line of such street or

No street, avenue, &c., to be laid out or opened except in accordance with plan and maps filed.

Owners of lands may, at their own expense, open and work streets.

Owners may petition for the opening and working of streets.

Commissioners to make assessment or award of damages.

avenue, and such assessments shall be liens upon such lands until the same are paid; and upon payment or tender to such owner or owners of the amount or amounts so awarded him or them respectively, the said street or avenue shall be deemed to be opened, and may be occupied, used and treated as a public street or avenue.

Costs and expenses to be paid by owners of lands.

12. *And be it enacted*, That the cost and expense of working and regulating any of said streets or avenues (other than the damages to be awarded as provided in the last preceding section), including the compensation and other expenses provided for in the eighth section of this act, shall be borne and paid by the owners of the lands fronting thereon, and the same shall be assessed and apportioned by said commissioners, or a majority of them, upon the lands of said owners, respectively, in proportion to the benefits to such lands, as fixed by said commissioners, and every assessment so made shall be a lien on such lands until the same shall be paid.

Owners may appeal from award or assessment.

13. *And be it enacted*, That any owner or owners dissatisfied with any award or assessment may appeal and may take and prosecute all the proceedings, and shall be entitled to the relief provided in and by section ten of the act approved February sixteenth, eighteen hundred and seventy, entitled "A Supplement to the act entitled 'An Act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex,'" approved March thirty-first, one thousand eight hundred and sixty-nine.

Lands to be sold for non-payment of assessments.

14. *And be it enacted*, That the assessments hereinbefore provided for shall be collected, and the lands upon which the same may be liens shall be sold for the non-payment thereof, in the manner prescribed in and by the fifteenth section of said last mentioned act, and that said lands may be redeemed in the manner and on the terms in and by said section prescribed, and the said commissioners, or a majority of them, shall for the purposes of this act, have in respect to said assessments, and the collection thereof, all the powers conferred by said fifteenth section of said act upon the "Essex public road board," therein mentioned.

Commissioners to obtain consent of owners before they proceed to lay out any street.

15. *And be it enacted*, That before said commissioners shall proceed to lay out any of said land into streets and avenues as provided for in the fifth and sixth sections of this act, they shall first obtain the consent thereto in writing of

the owners of more than one half of the area of the said lands, and shall file such consent in the office of the county clerk of said county, there to remain and be recorded among the returns of surveyors of the highways of said county, and the signatures to said consent shall be attested by one or more of said commissioners.

16. *And be it enacted*, That this act shall be considered, Act, how construed. adjudged and taken to be a public act, and shall be liberally expounded and construed, to advance the ends thereof, and shall take effect immediately.

Approved April 4, 1872.

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## CHAPTER DXCIX.

An Act to extend an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union, and townships of Springfield and Chesterfield, in the county of Burlington."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to prevent cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union, and townships of Springfield and Chesterfield, in the county of Burlington," be and the same is hereby extended to the townships of Randolph, Bass River and Chesterfield, in the county of Burlington. Provisions of act extended.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DC.

## An Act to incorporate the Guardian Mutual Life Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis Howland, Jacob S. Wetmore, William B. Dana, William Walter Phelps, Nathan T. Johnston, J. Smith Homans, junior, Livingston K. Miller, Edward H. Wright, Robert F. Brooke, George W. Farlee, Francis B. Nichols, J. Augustus Johnson and others, their associates, successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate by the name of "The Guardian Mutual Insurance Company of New Jersey," to be located in the county of Bergen, in this state, with power to maintain branch offices and agencies at such other places and for such periods as to them or to the board of directors of said company may appear necessary or convenient, to sue and be sued, to plead and be impleaded in all courts of justice, and to have and to use a common seal, and the same to alter and change at pleasure, and shall also be and hereby are empowered to purchase, hold, possess and enjoy to themselves and their successors, any estate, real or personal, for the use of said corporation; *provided*, that the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be requisite for its purposes in the transaction of its business, or such as shall have been mortgaged or conveyed to it in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decree obtained for such debts, and all such real estate as shall not be necessary for the purposes of said corporation in the transaction of its business, except lands mortgaged or conveyed as aforesaid, shall be sold and disposed of within five years after the said corporation shall have acquired title to the same; and it shall not be lawful for the said corporation to hold such real estate for a longer period, unless the said company shall pro-

Corporators.

Name and powers.

Proviso.

cure from the comptroller, auditor or other principal financial officer of the state, in which such lands may be situate, a certificate that in his judgment the interests of the company may be impaired by a forced sale of such real estate, in which case the time of sale may be extended for such period as the said financial officer may designate in such certificate.

2. *And be it enacted*, That it shall and may be lawful for such corporation to make insurance upon the lives of individuals, and every insurance or contract appertaining to or connected with life risks, and with the provisions of this act, on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said company, to purchase or loan upon any policy of insurance, dividends or obligations of said company for its benefit, to receive from any insured person such sum or sums of money or securities, and upon such conditions as may be agreed upon for the purpose of securing the payment of the accruing premiums upon his or her policy of insurance or other obligations, and to grant, purchase and dispose of annuities. May make insurance on lives.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars (\$100,000) in cash, divided into one thousand (1,000) shares of one hundred dollars (\$100) each, which shall be deemed personal property and transferable only on the books of the company in conformity with the by-laws; the amount of the capital stock of said company may be increased to an amount not exceeding two hundred and fifty thousand dollars (\$250,000) by a vote of the stockholders at any meeting called at not less than ten (10) days' notice, and after any such increase may be reduced to an amount not less than one hundred thousand dollars (\$100,000) in like manner; the holders of said capital stock may receive a semi-annual dividend upon the stock, not to exceed three and one-half per centum of the same, and the moneys or receipts of the said company over and above the dividends, losses and expenses, shall be accumulated and disposed of as hereinafter directed. Capital stock.

4. *And be it enacted*, That the property and concerns of said company, and its corporate powers, shall be vested in and managed by twelve directors, with the privilege of increasing their number to twenty-five by a vote of said board of directors, and by such officers as they may elect or appoint, each of whom shall be the owner of at least five shares of the capital stock; the said board of directors shall, at their Managed by directors.

Proviso.

first meeting after the management of the company shall be turned over to them by the corporators, divide themselves by lot into three classes; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, and annually thereafter such number of directors shall be elected as shall be required to fill the seats of the outgoing directors; *provided, nevertheless*, that any director shall be eligible for re-election; such election shall be by ballot, and a plurality of votes, duly qualified, as hereinafter provided, shall elect; the election for directors, after the management of the said company shall have been turned over to them by the corporators, shall be held on the first Monday of October in each year, at the office of the company, or such other place within this state as a majority of the directors may previously designate, seven of whom shall constitute a quorum, public notice of which shall be given in one or more newspapers printed in the county where the said company shall be located, at least two weeks previously to the time of holding such election; and if any of the said directors shall die or refuse or neglect to act in their said office for the space of two months, or if any director shall cease to be a stockholder, then and in every such case the remaining directors shall have power to fill such vacancies until the next annual election; and in case it should happen that any election for directors should not be held on the day when, in pursuance of this act, it ought to be held, the said corporation shall not be dissolved for that cause, but the acting directors shall hold office until their successors shall have been duly elected, and it shall be lawful to hold another election at such time and place as the directors, or a majority of them, may designate, by like notice; and until an election for directors shall be held in pursuance of this act, the corporators named in the first section shall be the directors and have the management of said company, and be vested with and exercise its corporate franchises; *provided, nevertheless*, that in case any one or more of such corporators shall decline to act as such director, the nominee of such corporator, appointed by an instrument in writing, duly acknowledged before a justice of the peace or other officer authorized to take acknowledgments, shall, if such nomination be ratified by the remaining corporators, or a majority of them, become and be held to be a

Proviso.



corporator and acting director in the place of such declining corporator, and shall hold office until his successor shall have been elected; and until the election of directors as hereinbefore provided, the said corporators, or a majority of them, shall have the right to fill all vacancies in their number caused by death, resignation or otherwise; in the annual election of directors each stockholder shall be entitled to one vote for every share of stock held by him, and such vote may be given either in person or by proxy.

5. *And be it enacted*, That the insurance business of the company shall be conducted strictly on the mutual plan; the officers of the company shall annually cause a balance to be struck of its affairs, which shall exhibit its assets and liabilities, both present and contingent, and also the net surplus, after deducting an amount sufficient to cover all outstanding risks and other obligations, which shall be verified under the oath of one or more officers of the company, and filed in the office of the secretary of state; each policy holder shall be credited with an equitable share of the surplus, which share may be applied as the board of directors shall determine. Business to be conducted on the mutual plan.

6. *And be it enacted*, That the directors, or a majority of them, for the time being, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management, custody and disposition of the assets of the company, of whatever nature the same may be, and for the government of the said corporation and the transaction of its business, and to fulfill the purposes of this act; and to amend, alter and revoke the same at pleasure, and to elect or appoint such officers, clerks and agents as they may deem necessary, and upon such tenure of office as said directors may determine; *provided*, Powers of directors. *nevertheless*, that such by-laws, rules and regulations shall not be repugnant to the constitution of this state or of the United States, or of this charter. Proviso.

7. *And be it enacted*, That it shall be lawful for the said corporation to invest its funds, assets and accumulations in, or to loan the same upon bonds and mortgages, upon real estate, of at least double the value of the debt secured thereon, situate within such state or states as the board of directors may elect, or in or upon stocks or bonds of the United States, or of this state, or of other states of the United States of America, or to loan the same upon stocks or bonds of any solvent corporation created by or under the Investment of funds and assets.

**Proviso.** laws of this or any other state; *provided*, that in case of investment, no stocks or bonds shall be purchased except United States, state, county, township, town or city stocks or bonds, or bonds secured by mortgages; and in case of loans upon the pledge of such stocks, the amount loaned shall be at least fifteen per centum below the average market value of the stock so loaned upon charging interest for the same, and such commissions to be credited as the directors shall order, as may be agreed upon; *provided*, that no rate of interest exceeding the legal rate shall be charged upon any such loan.

**Married woman may insure life of husband for her benefit.** 8. *And be it enacted*, That it shall be lawful for any married woman in her own name, or in the name of any third person, as trustee, to cause to be insured the life of her husband for any given period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after her death to his, her or their child or children, or to their guardian or guardians, if under age (for his, her or their benefit), or to her next of kin or legatees; *provided*, that any married woman holding such policy on the life of her husband may make any contract concerning the same as if she were unmarried.

**Company to make deposit with treasurer before commencing business.** 9. *And be it enacted*, That before said company shall proceed to do any business, the sum of at least one hundred thousand dollars, shall be invested by it in the state bonds or stocks of this state, or in bonds of the United States, or in approved bonds and mortgages upon lands in this state, and shall be deposited by it with the treasurer of the state, to be held by him as security for the benefit of the policy holders in said company, and the treasurer is hereby authorized to collect the interest falling due upon such investments and pay over the same to said company or its authorized agent; and said board of directors may hold their meetings at such place as they may designate.

**Act may be repealed.** 10. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter to alter and amend, modify or repeal this act.

11. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DCI.

**An Act to improve Bull's Ferry Road, in Hudson county, from the northerly line of the township of Weehawken to the Hackensack Plank Road, and also the branch road leading from Bull's Ferry Road, opposite Weehawken street, in the town of Union, to Nineteenth street, in the township of Weehawken.**

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey.* That John H. Bonn, Henry J. Rottmann and Abraham W. Duryea, <sup>Commissioners.</sup> are appointed commissioners with power to make a map showing how Bull's Ferry Road, from the northerly line of Weehawken to the Hackensack Plank Road, and the branch road leading from the Bull's Ferry Road, opposite Weehawken street, in the town of Union, to Nineteenth street, in the township of Weehawken, can be widened to the width of eighty feet, and straightened to the best advantage; such widening to the width of eighty feet shall not be made on that part of the old Bull's Ferry Road lying between the Hackensack Plank Road and the point where the said Bull's Ferry Road intersects Weehawken street in the town of Union; said map shall show whose lands shall be taken by such widening and straightening, and the quantity thereof, and shall also show what part of any existing highway would be vacated, and to whom the property in such vacated part belongs; said commissioners shall make a report, which shall accompany said map, and shall be explanatory thereof.

2. *And be it enacted*, That after said map and report shall be made, the same shall be filed in the clerk's office of the county of Hudson, and notice shall be given of such filing within ten days thereafter by publication in a daily news-  
Map and report to be filed and notice given of highways proposed to be widened

paper published at Hoboken in said county for twenty days ; and within said ten days like notice shall also be given by posting along the line of said highways so proposed to be widened and straightened, in twenty conspicuous places ; and if, after the lapse of forty days from the first day of such notices being published and set up as aforesaid, the owners of a majority of the lands fronting on said highways so to be widened and straightened, shall not file a written remonstrance in the clerk's office of the county of Hudson against the acceptance of said map and report of the highways thereby to be widened and straightened, then thereafter the said map shall be accepted as showing the lines and boundaries of said highways as the same shall be accepted and worked by the lawful authorities having control over the same, and by the commissioners acting under the authority hereby given.

Notice to be given to each land owner.

3. *And be it enacted*, That if no remonstrance, by the owners of such majority of such lands as aforesaid, shall be filed as aforesaid, then the commissioners, acting under the authority of this law, shall give notice to each land owner, whose land will be taken by such widening and straightening of said roads, of the time and place, when and where the commissioners aforesaid will meet to make an estimate of, and award for the value of the lands to be taken and the damage done thereto ; such notice shall be given by leaving the same in writing at the residence of such land owners, if in the county of Hudson, if not in the county of Hudson, by enclosing the same, directed to such land owner or land owners, by mail, to the post office nearest to the residence of such land owner or land owners, provided such post office address can be ascertained ; which notice shall be given ten days prior to the time when the commissioners shall meet as aforesaid ; such notice shall also be published in a daily newspaper, published at Hoboken, for the period of ten days before the day of such meeting ; which last notice shall contain, among other things, a statement of the general object of the meeting of said commissioners, and of the time and place of such meeting ; at the day and hour named, said commissioners shall proceed to view the said lands so to be taken, and shall hear the parties interested, and shall publicly adjourn from time to time as may be necessary ; said commissioners shall make an award or awards of the value of the lands to be taken and of the damages which will be done to the residue

Commissioners to make an award and damages.

of any lot or parcel of land so taken, and shall make a map showing the location of the lands to be taken; and such award or awards shall show the ownership of such lands to be taken, and to whom such value and damages shall be paid; such award or awards shall be filed in the clerk's office of the county of Hudson, together with said map or maps; in estimating the value of the lands to be taken and the damages aforesaid, said commissioners shall take into consideration the nature of the improvements and also whether the residue of the property of such land owner, whose lands shall be taken, will not be benefited thereby; when any land owner shall be paid the award for the value of his lands to be taken and damages, or tender thereof shall be made to him, or in case of the infancy or other disability of any land owner, when the value of such land owner's land and damages shall be paid into the court of chancery, then the land so to be taken shall be a public highway, subject to be improved as herein declared, or otherwise, as now is or shall hereafter be provided by law; such part of the said lands as the commissioners shall declare vacated, shall thereafter cease to be highways.

Award to be filed.

Money, to whom paid in case person is incapacitated.

4. *And be it enacted,* That the money to pay for such land and damages and the expenses incurred under the foregoing provision for surveyors, maps, and other necessary expenses, shall be raised by assessment; the said commissioners shall consider the whole subject, and shall assess the same in manner following: ten per centum thereof on the town of Union, to be paid by said town of Union; ten per centum thereof on the township of Weehawken, to be paid by the town committee of that township; said sums of ten per centum respectively shall be assessed and raised by general tax in said town of Union and said township of Weehawken; the remaining eighty per centum shall be assessed by said commissioners upon the lands and real estate along the line of said roads or highways in proportion to the benefit received by the owner or owners thereby; said assessment on land and real estate shall be made and manifested by a map and report; such map shall show the lots or tracts of land to be assessed, by an accurate delineation thereof, and the report shall show the owners of such tracts or lots, and the amount assessed on each lot or tract; such map and report shall be filed in the clerk's office of the county of Hudson; within ten days after said map and report shall be filed, notice thereof shall be given by publication in a daily newspaper published at Hoboken, which

Commissioners to make assessments or moneys on townships.

Map and report of assessments to be made and filed

Certiorari,  
when to be  
allowed.

notice shall be published for twenty days in each daily issue of such newspaper; said assessment shall be a lien on the lands assessed, and no certiorari shall be allowed to review such assessment, except within three months after such map and report shall be filed as aforesaid; any justice of the supreme court, for sufficient cause and on reasonable notice to the said commissioners, can allow any such writ of certiorari.

Land owners  
may appeal  
from award of  
damages.

5. *And be it enacted*, That any land owner whose lands shall be so taken and who shall consider that a sufficient sum has not been awarded for the value thereof and the damages, can appeal from the award of the said commissioners by a petition to the circuit court of the county of Hudson, which petition shall be filed with the clerk of said county within thirty days after the award shall be filed in said office; said court can order an issue to be framed and to be tried like other issues, and can also, in the discretion of said court, order a jury of view, which jury can be taken from the general panel of jurors, summoned to try issues of fact in said county, or, in the discretion of the said court, or of a judge at chambers, can be selected in the manner struck juries are selected by law; if the amount awarded by the jury shall be less than the amount awarded by the commissioners, then the land owner shall pay costs; if greater than the award of said commissioners, costs shall be added to the verdict of the jury, and become a part of the judgment; the filing of such petition and the framing of such issue and the proceedings in said court shall not delay the action of the commissioners in taking the land of the said land owners pending such proceedings in said court; *provided, however*, if, after judgment as the verdict of the jury, any additional amount shall be awarded thereby, then such additional sum shall be paid or tendered, or paid into court as aforesaid; any deficiency which shall be produced by any appeal or appeals, and the proceedings incident thereto, can be assessed by the said commissioners in the same manner as hereinbefore provided, if need be, by a separate assessment distinct from the general assessment hereinbefore provided for.

Proviso.

Assessments  
to draw interest.

6. *And be it enacted*, That if the land owners on whose lands said assessment shall be made shall not pay the said assessment to the said commissioners within thirty days after the filing of the said map and report, then said assessment shall, at the end of said thirty days, draw interest at the rate

of twelve per centum per annum, and said commissioners shall, at the end of said thirty days, advertise for sale the said lands so assessed, by advertisement in a daily newspaper published at Hoboken, for the period of six weeks successively, and also by advertisements put up in ten of the most public places in the town of Union and in the township of Weehawken, and which advertisements shall designate the day, hour and place of such sale, which hour shall be between twelve o'clock at noon and five o'clock in the afternoon; at which time and place so advertised, the said commissioners shall proceed to sell each separate parcel so assessed, and which separate parcel shall be described in the advertisement of sale, to the highest bidder, for the shortest period of time for which any purchaser shall bid off the same, bidding for the amount of such assessment and interest, costs of advertisements and expenses, as the same shall be appointed by said commissioners; said commissioners shall give a deed or deeds to the said purchasers for the lands so to be purchased for such terms so bid as aforesaid, which shall be duly acknowledged or proved, so that the same can be recorded; and the purchaser or purchasers shall have the legal right to the possession of the land in said deed or deeds described and so purchased, and maintain ejectment or any possessory action therefor.

Sale of lands to be advertised.

Commissioners to sell lands and give deeds.

7. *And be it enacted*, That in case of any vacancy in said board of commissioners from death, absence or any disability, such vacancy can be filled by the judge of the circuit court of the county of Hudson, on a petition for that purpose by the remaining commissioners who shall hold their office.

Vacancies, how filled.

8. *And be it enacted*, That the said commissioners shall have power to raise money for the purpose of this act, by issuing certificates, which certificates shall bear interest at the rate of seven per centum per annum, and shall be paid out of the money to be raised by assessment in the manner in this act provided; such certificates shall not exceed the amount actually required for the purpose of this act.

Commissioners may raise money by issuing certificates.

9. *And be it enacted*, That after such streets shall be widened and straightened as aforesaid, any part of the same as heretofore existing shall be vacated in compliance with the provisions hereinbefore mentioned, if any vacation thereof shall be necessary; then the said commissioners shall have power to curb, gutter and regulate the same, or such parts thereof as they shall deem most for the public advantage,

Streets, when vacated

Commissioners may curb, gutter, &c.



which work shall be done as far as possible by contracts to be awarded to the lowest bidder, and the contractors shall give bonds for the faithful performance of their contracts, with such sureties as the commissioners shall deem proper; for the purpose of enabling the said commissioners to curb, gutter and regulate or make either of the said improvements the said commissioners shall be empowered to divide the said streets into convenient sections, and to make such improvements, or either of them, by sections.

Intention to  
make im-  
provements to  
be advertised.

10. *And be it enacted*, That the said commissioners, before they shall proceed to make such improvements as last named, shall advertise their intention so to do, stating the kind of improvement, and naming the roads or road and sections within which they propose to make such improvements, by advertisements for the period of twenty days, to be published in a daily newspaper of Hoboken, which advertisements shall designate the time and place, when and where land owners interested can be heard relative thereto; if at such time and place, the owners of three-quarters of the land along such road, and in such sections, shall remonstrate in writing against such improvements so advertised, then such improvements shall not be made; if such owners of three-quarters of the lands along such roads or road and in such sections, shall not remonstrate, then such improvements shall be carried into effect by said commissioners.

Owners may  
remonstrate  
against im-  
provements

Portion of  
cost of im-  
provement to  
be assessed on  
lands benefit-  
ed.

11. *And be it enacted*, That the said commissioners shall after the completion of any such improvement, and after they shall have accurately ascertained the whole cost thereof, shall assess the said eighty per centum of the whole cost thereof, on the lands and real estate along the line of the said road, in proportion to the benefit such lands and real estate shall receive from such improvement; said assessment shall be made by the commissioners, and shall be manifested by a report and a map, which map and report shall show the amount assessed against each tract or parcel, the names of the owners of the lands against which such assessments shall be made; said map and report shall be filed in the clerk's office of the county of Hudson, of which filing notice shall be given within ten days thereafter, by advertisements to be published in a daily newspaper in the city of Hoboken, for the period of twenty days; if any assessment shall be paid within thirty days after the same shall be made, then such payment with seven per centum interest to be added thereto, shall be

all that shall be collected ; if not paid within such period of thirty days, then twelve per centum interest shall be added after the lapse of said thirty days ; said assessment shall be a lien on the lands assessed from the time of such filing of said map and report ; and in case of the non-payment of any assessment of improvements as aforesaid, within three months after such filing of said map and report, then it shall be the duty of the said commissioners to cause the land so assessed to be advertised to be sold, and deeds to be given therefor in like manner and with like effect as is hereinbefore provided ; in case of assessment to pay for lands and damages, the remaining twenty per centum of the cost of such improvement shall be paid as follows : ten per centum thereof shall be paid by the township committee of the township of Weehawken, and ten per centum by the town of Union, in the county of Hudson, and such ten per centum shall be assessed and raised in the town of Union aforesaid, and in the township of Weehawken aforesaid, in like manner as taxes are or shall be assessed and raised in the town aforesaid and township aforesaid.

Assessments  
to remain a  
lien.

Lands to be  
sold.

Townships as-  
sessed for por-  
tion of assess-  
ment.

12. *And be it enacted*, That the said commissioners, before any proceedings are taken under this act, shall first take and subscribe an oath, before a justice of the peace, to examine into the whole matter impartially and to the best of their judgment, skill and ability, and to exercise the duties of their office faithfully, which oath shall be filed in the office of the clerk of the county of Hudson.

Commission-  
ers to take  
oath.

13. *And be it enacted*, That this act shall be deemed a public act, and when any municipal corporation with like powers shall have jurisdiction over the said roads, then the powers hereby given shall be suspended ; such suspension shall not affect any proceedings done under this act, which shall have been bona fide commenced under the same, but such proceedings so commenced can be carried out to a final consummation.

Proceedings  
done not to be  
affected.

14. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.

## CHAPTER DCII.

## An Act to improve Bergen Line Road, in Hudson County.

Preamble.

WHEREAS, Bergen Line Road, in Hudson county, belongs in part to the township of Union, and to the township of North Bergen, and difficulties arise in the regulation of the same, owing to the multiplicity of authorities in the matter; and whereas, the road is much in need of repairs, and owners of land along the line are desirous of improving the same; therefore,

Power to regulate, widen, grade, &c., to be vested in commissioners.

1. BE IT ENACTED by the Senate and General Assembly of the State of New-Jersey, That the power to regulate, widen, straighten and grade Bergen line road, from the northerly line of the town of Union to the northerly line of the county of Hudson, be vested in three commissioners, freeholders in the county of Hudson, but not owning property fronting on the line of said road, to be appointed by a justice of the supreme court of the sixth district, as soon as practicable after the passage of this act; the said road to be widened to the width of eighty feet, throughout the entire length thereof, and the said commissioners in the widening of said road shall take the old line known as the "A" line as the centre thereof, unless some deviation therefrom be requested by a majority vote of the commissioners, and the township committee through which the road passes; and the said commissioners are hereby authorized and empowered effectually to vacate all such parts of said road as such altering and straightening may make necessary and proper; and whenever it shall be found necessary to vacate any portion of the present road, the part thus vacated shall become the property of the owner whose land fronts on the same, and the commissioners shall have power to assess said owners for the benefit thus received.

Authorized to vacate parts of road.

Commissioners to take oath and give bonds.

2. And be it enacted, That the said commissioners, before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace, faithfully and impartially to exercise the powers and perform the duties granted and enjoined by this act; which oath or

affirmation, together with bonds of not less than five thousand dollars for each commissioner to the different township committees through which the road passes, for the faithful performance of their duties, shall be filed by the said commissioners, within five days thereafter, in the offices of the clerks of the townships through which the road passes; and any freeholder elected in conformity to the provisions of the ninth section of this act, as a successor in office to any of the commissioners, shall within five days after his election, and before exercising any authority under this act, in like manner, take and subscribe and file a like oath or affirmation and bond.

3. *And be it enacted*, That the said commissioners shall have power to employ legal counsel, also a civil engineer and all necessary assistants to effectually carry out the powers and authority granted in the first section of this act; and for the altering, widening and straightening of the said Bergen line road, the said commissioners and their employees may enter upon such lands and premises as may be necessary in making the surveys; and the said commissioners shall then cause a map to be made, showing the boundaries of the land to be taken, as well as the manner in which the road has been widened, straightened, altered or vacated, together with a brief description of each parcel of land so taken; a schedule shall accompany said map, showing the amount of damage or benefit allowed in favor of each parcel of land; copies of this map, description and schedule shall then be filed in the office of the clerk of the townships through which the road passes, and the filing of the same shall be advertised for at least ten days in one or more newspapers published in the county of Hudson for objections thereto; and in case the commissioners and any of the property owners cannot agree upon the value of the award, the same shall be decided by three arbitrators, who shall be disinterested freeholders of the county of Hudson, and appointed by any justice of the supreme court; *provided*, that as soon as the former commissioners have made their award, they may take any lands and improvements, including all buildings that may be necessary for the said altering, widening or straightening said road, upon issuing to the owner or owners a certificate or certificates of indebtedness, as provided in section fifth of this act, for the damage done by taking the said land and improvements; the said damage to be determined as above provided for; but in

May appoint  
officers, &c.

Map of lands  
to be made.

Arbitrators to  
be appointed  
when no  
agreement  
can be made.

Proviso.

determining the said damage, they shall only allow for the excess, if any, of damage done over and above the advantage that will, in their judgment, accrue to the owner of the property taken.

Commissioners to have work done by contract.

4. *And be it enacted*, That when the said commissioners shall proceed to improve said road they shall divide the same in two sections, the one from the northerly line of the town of Union to the northerly line of the township of Union, the second from the northerly line of the township of Union to the northerly line of the county of Hudson; they shall have the work done by contract in manner following: they shall have plans and specifications prepared of the work proposed to be done, which plans and specifications shall at all reasonable times, after the same are determined upon, be open to the inspection of all parties liable to be assessed for the cost and expenses of said improvement; and thereupon the said commissioners shall advertise for not less than ten days in one or more of the newspapers published in the county of Hudson for proposals for doing said work, and after said time shall open said proposals and award the said contracts to the person or persons who shall offer to do it for the least sum of money, with adequate security, to be not less than one-half the amount of the contract; but the said commissioners may, if they deem it for the interest of the property owners to be assessed for said improvement to reject all the offers and re-advertise as above required, before they shall let the said contracts for said improvement; *and provided*, that it shall not be lawful for any of the said commissioners to be interested in any contract given out by them under this act.

Proposals to be advertised and contract given to lowest bidder.

Proviso.

Commissioners may issue certificates of indebtedness for damages awarded, &c.

5. *And be it enacted*, That the said commissioner may issue certificates of indebtedness for damages awarded for lands and improvements taken for the altering, widening or straightening of said road, particularly provided for in section third of this act, and a like certificate or certificates to the said commissioners and their employees, and also on the certificate of their engineer of the amount of work done under the contract authorized under section fourth of this act, issue to the contractor or contractors thereof a like certificate or certificates of indebtedness for two-thirds of the amount of work done at the time the estimate was given, as the work progresses; and on the confirmation of their work for the balance due, which certificates of indebtedness shall bear interest at the rate of seven per centum per annum until paid;

and such certificates shall be receivable in payment for assessments laid by said commissioners as hereinafter provided for.

6. *And be it enacted*, That the said commissioners shall after the widening, altering, straightening and grading said road and the completion of said improvement assess the entire costs and expenses thereof upon all the lands and real estate benefited thereby in proportion to the benefit received by said lands and real estate, and the said commissioners shall cause a map to be made showing the property assessed for said improvement, with the dimensions of the same, together with a schedule showing the different items of the whole amount of the assessment, and the assessment to the owner or owners of each plot or parcel of land assessed, whereupon the said commissioners shall give two weeks' previous notice in one or more of the newspapers published in the county of Hudson, and by notices posted in three public places along the line of the improvement, that they will meet at a convenient time and place to be named in said notice, to hear and weigh any and all objections which may have been presented in writing to said assessment, and thereafter correct and finally confirm the same, and notwithstanding any error in said assessment, in not naming the true owner or owners of any plot or parcel the assessment shall remain valid and effectual against such plot or parcel, and be collected in the manner hereinafter prescribed, and if any error be made in such assessment in not dividing any plot or parcel according to its actual ownership it shall not defeat or impair the assessment, but the commissioners shall, on application to them divide such assessments and apportion such parts.

Costs and expenses of grading, &c., to be assessed on lands benefited.

7. *And be it enacted*, That the map and schedule mentioned in the last section, when completed according to such final correction and confirmation of the assessment shall be filed in the offices of the clerks of the townships through which the road passes, from which time the said assessment shall be a lien on the lands on which it is laid, and from said time when the assessment shall be made on account of the altering, widening and straightening and improving, the said road shall be considered altered, widened, straightened, improved and vacated according to the said map, and the said commissioners may proceed to collect the assessment therefor, and the said commissioners shall make a copy of said map and assessment list, which they shall place in the hands

Map and schedule, when confirmed, to be filed.

Assessments to remain a lien.

Assessments, how collected

of the collectors of taxes for the time being, of the townships through which the road passes, and thereupon it shall be the duty of said collectors to directly collect the said assessment on the property in their respective townships, within sixty days from the time of placing such copy in his hands, and to pay the same over to one of said commissioners, who shall have been chosen by them as their said treasurer, and the said collectors shall in the collection of the said assessments be liable to the same pains and penalties, and be entitled to the same fees as in the collection of the annual township taxes; the said fees being added and retained by him out of the amount so collected; *provided*, the said collectors before proceeding under this act, shall enter into bonds to the said commissioners, with such sureties and in such sums as the said commissioners shall approve, conditioned for the faithful performance of their duties under this act; and in the event of their or either of their disability or disinclination to serve, then, and in that case the said commissioners shall name a new collector or collectors who shall enter into bonds or sureties as provided for above, and liable to the same pains and penalties and entitled to the same fees; and the said treasurer before receiving any moneys from said collectors, shall enter into bonds with the township committees through which the road passes in their corporate names, with such sureties, and in such sums as the township committees of said townships shall approve, conditioned for the faithful performance of his duties as such treasurer, and the said treasurer shall receive for all disbursements made by him, and assurances in receiving and accounting for the road fund an amount not to exceed one per centum on the total amount disbursed by him; and the said treasurer shall pay the certificates so issued by the commission in their numerical order and without unnecessary delay.

Proviso.

Failure to pay assessments, lands to be sold.

8. *And be it enacted*, That in case any owner or owners of land assessed as aforesaid shall fail to pay the assessment laid thereon within one year from the time of placing the copy of the map and assessment list in the hands of the collectors, then the lands upon which the assessment is a lien shall be sold in the same manner that land is now authorized to be sold for unpaid assessments in the town of Union, so to raise a sufficient sum to pay the said assessments, and the interest at the rate of twelve per centum per annum from the expiration of sixty days from the time of placing such



copy in the hands of the collectors, and the lawful fees and costs of the collection and sale.

9. *And be it enacted*, That the tenure of office of said commissioners shall expire when the improvement is completed and the assessment thereon collected; and in case of the death, disability or resignation of any of the said commissioners, the vacancy so caused shall be refilled by the remaining commissioners at a meeting called for that purpose, by the election of a new commissioner for the unexpired term; and the said commissioners shall jointly have one per centum of the whole cost of the said improvement for the services performed by them under the provisions of this act.

Vacancies,  
how filled.

10. *And be it enacted*, That in case any assessment in connection with said improvement be set aside on account of any irregularity or technicality in the proceedings relating thereto, a justice of the supreme court shall appoint three disinterested persons, freeholders and residents in the county of Hudson, commissioners to make new assessments.

Proceedings in  
case any as-  
sessment is  
set aside.

11. *And be it enacted*, That when the said Bergen Line Road intersects with any other road, street or avenue on which a legal grade already exists, or has been established, and by reason of the grading or improving Bergen Line Road, any abrupt declivity may occur on account of the difference of grades, the said commissioners may re-grade for a short distance said intersecting roads, streets or avenues, or any of them, so as to conform their grades to that established for Bergen Line Road; and they shall have power to assess and collect the expenses thereof in the same manner as provided for in this act.

Commission-  
ers may re-  
grade any in-  
tersecting  
road.

12. *And be it enacted*, That the township committee of each township through which the road passes are hereby authorized and required to keep that portion of the said road in their respective townships in proper repair after the completion of the same; and should there be any surplus money in the hands of the said treasurer or commissioners, by reason of delay of paying the assessment, or otherwise, it shall be turned over by him to the treasurer of the township in which the surplus occurred, to be applied to such repairs.

Township  
committees to  
keep portion  
of road in re-  
pair.

13. *And be it enacted*, That the commissioners to be appointed as herein provided for, after opening, widening and straightening said Bergen Line Road, shall not proceed to regulate or improve any part thereof within three years from the date of the passage of this act; except upon application

Commission-  
ers not to im-  
prove road  
except upon  
application  
made by own-  
ers of lands.

made to them in writing by any person owning property along the line thereof; and then only such part of said road as the property of such applicant may front upon; and the said property owners may within the said three years regulate and grade said road, or so much thereof, as they desire according to the maps and plans which shall be made and filed by said commissioners; *provided*, that any person or persons who shall improve that part of said road fronting upon the property owned by such person or persons, according to the maps and plans, and to the satisfaction of said commissioners, shall not be assessed for any part of said improvement which may be done by said commissioners after the expiration of said three years.

14. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 4, 1872.

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### CHAPTER DCIII.

A Supplement to an act entitled "An Act authorizing the appointment of commissioners to institute and make local improvements in that portion of the township of Belleville included within the boundaries of Belleville Polling District," approved April six, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners appointed by said act, and their successors, shall have power to make any agreement with the Newark or Jersey City water commissioners, for the laying of pipes for the supply of water through any street or streets within the limits of said district, and may allow an interest not exceeding ten per centum per annum on the cost of the same, which amount shall be assessed upon the property along the line of such street or streets, and upon the lands lying within three hundred (300) feet of said street, and upon all lands which may have water conne-

Commissioners may make agreement for the laying of pipes and supply of water.

tions with said pipes at a greater distance; which tax shall be assessed and collected in the manner provided for the collection of other assessments, in section fifteen of the act to which this is a supplement. Tax. how assessed and collected.

2. *And be it enacted*, That the jurisdiction and powers of said commissioners and their successors shall extend over the territory now known as "The Belleville Polling District," in all respects as they heretofore extended over said district as heretofore constituted. Jurisdiction and powers extended.

3. *And be it enacted*, That said commissioners of said district as now constituted may appoint, from time to time, so many police officers for said polling district, either for special or continuous service, as they shall think necessary, upon a petition signed to that effect by twenty persons being citizens of said district; the jurisdiction of such police officers shall be limited by the bounds of said district, and they shall possess all the power and authority therein now possessed by the police of the city of Newark, within the limits of said city; the compensation to be paid such police shall be fixed by the commissioners, and shall be paid by a tax levied upon the taxable property of said district, in the manner provided in sections five and twenty-three of the act to which this is a supplement; said commissioners shall also possess all the powers of such policemen within the said district. May appoint police officers upon petition. Powers of police officers.

4. *And be it enacted*, That the third sub-division of the fifth section of the act to which this is a supplement is hereby repealed and the following substituted therefor: to order and cause any street or section thereof, not less than one block in extent, to be graded, graveled, paved, flagged, macadamized or otherwise improved in such manner as they may deem advisable at the expense of owners of land on the line of said street or section; *provided*, that any improvement under this or any previous sub-division shall not be commenced except upon the written application of owners of land representing more than one half of lineal feet along the line of the proposed improvement, and the assessment for such expense shall in all cases be based on the number of lineal feet owned by each person on the line of such street or section so improved; and if at any time hereafter the owners of a majority of lineal feet of property on any one street of a not less extent than one thousand feet shall make a written application to the commissioners to have the same curbed and paved from curb to curb; *provided, however*, that streets west of Wash- Repealer. Amendment. Proviso.

PROVISO.

ington avenue or north of Jarolemon street, may be paved a less width than from curb to curb, if so applied for in manner aforesaid, naming the material with which the same shall be paved, the commissioners shall proceed with the paving thereof in accordance with said application by making out specifications for the work to be done and materials to be furnished, and putting them up in at least three public places in the district, stating when and where bids for the same will be received and opened, at which time and place, or at such time and place as they may adjourn to, they shall proceed to award said contract to the lowest bidder giving satisfactory security for the completion of such work; and said commissioners may reserve the right to reject any and all bids which they may deem unsatisfactory to themselves, or the acceptance of which, in their judgment, would not be of advantage to the owners of property to be improved, and for the payment thereof the commissioners shall issue the bonds of the township, to be denominated "Belleville Township Improvement Bonds," which said bonds shall be made payable in ten equal yearly payments bearing interest at seven per centum per annum, payable semi-annually, and shall bear the common seal of the commissioners, to be by them hereafter adopted, and shall be signed by the president, countersigned by the secretary and endorsed by the treasurer of the commissioners, which said bonds shall be binding upon the township of Belleville, and shall not exceed sixty thousand dollars per mile of the street or parts of a street so applied for to be paved, and the amount of principal of said bonds, shall be assessed by the commissioners upon the property owners upon the line of said paved street or streets, in ten equal annual assessments, and shall be collected in the manner provided for other assessments by section fifteen of the act to which this is a supplement; *provided*, that in no case shall the bonds so issued by such commissioners be sold at a greater discount than ten per centum; and if any horse railroad company do now or shall hereafter occupy with the tracks of said horse railroad company any part or portion of any street or streets within said district that shall or may be ordered by the commissioners to be graded or paved, are hereby required to bear and pay the costs and expenses of grading and paving so much of said street as lies between the rails thereof, and eighteen inches on the outside of each rail, and the same shall be assessed upon, and remain a lien upon

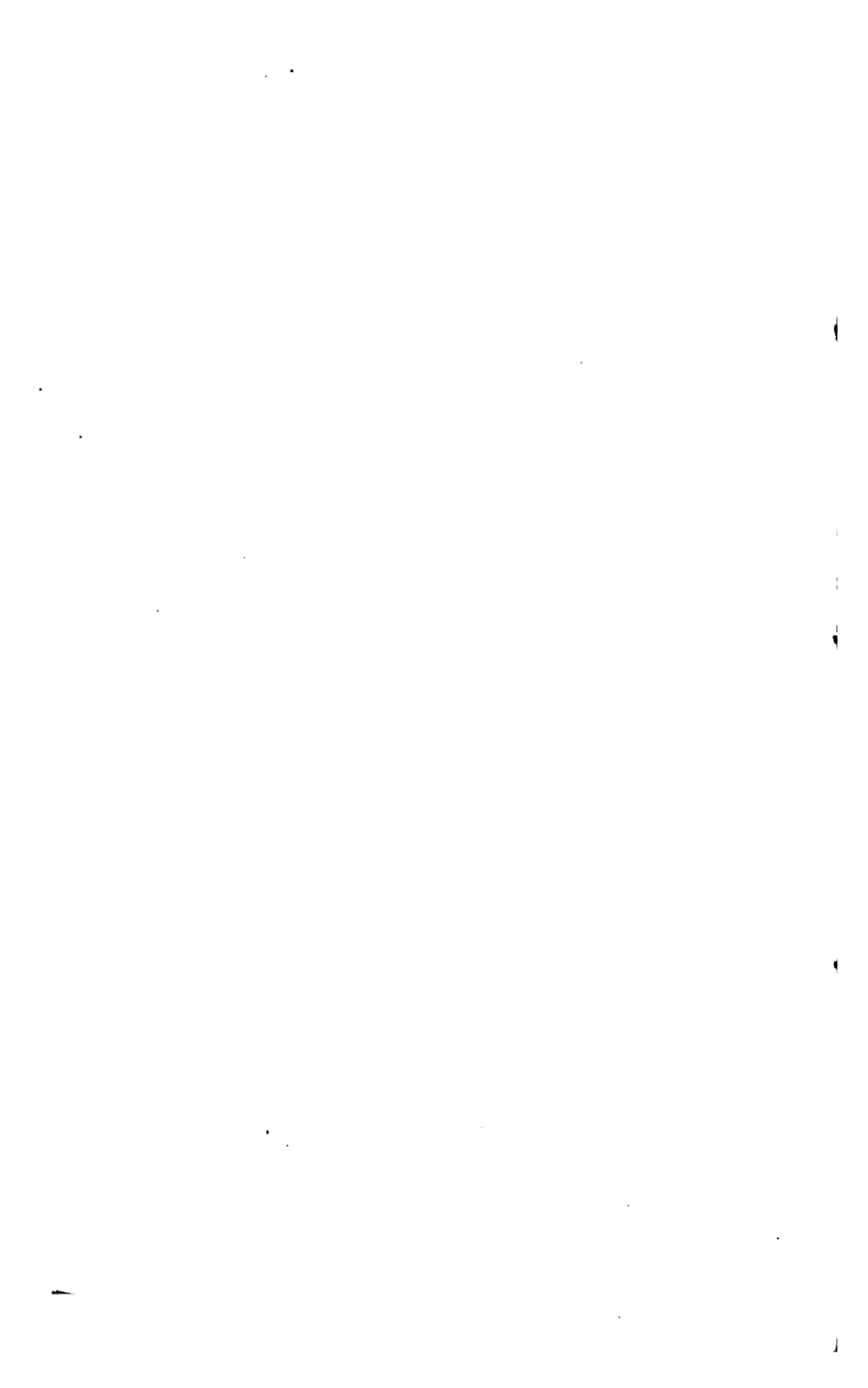
their real property in said district, and shall be collected in the manner provided for the collection of other assessments in section fifteen of the act to which this is a supplement, and such horse railroad company or companies shall further be liable to said commissioners for the amount of such costs and expenses, which amount may be recovered in an action of debt with costs in any court of record in this state, in which action judgment shall be given therefor with interest, and execution may be issued thereon as in any other action ; and no interference with the travel on such roads shall be caused or permitted by said commissioners beyond what shall be necessary for the speedy and proper completion of such work.

5. *And be it enacted*, That the sixth section of the act to Amendment. which this is a supplement, be hereby amended by inserting immediately preceding the first proviso in said section the following : and the same shall be assessed, levied and collected in the manner provided for the assessment and collection of the costs of grading and paving streets in section five of said act.

6. *And be it enacted*, That section eight of said act be Amendment. amended by adding at the end thereof, the words in common with other property benefited, and that section twenty of said act shall be amended by striking out all the words between the word "Newark" and the words "which contracts" and the contracts in said section referred to shall be awarded in the manner provided in the third sub-division of the fifth section of said act as herein amended, and that the twenty-fourth section of said act by authorizing said commissioners to raise and expend any amount for repairs on roads not exceeding fifty cents on the hundred dollars of the taxable valuation of the property in said district.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1872.



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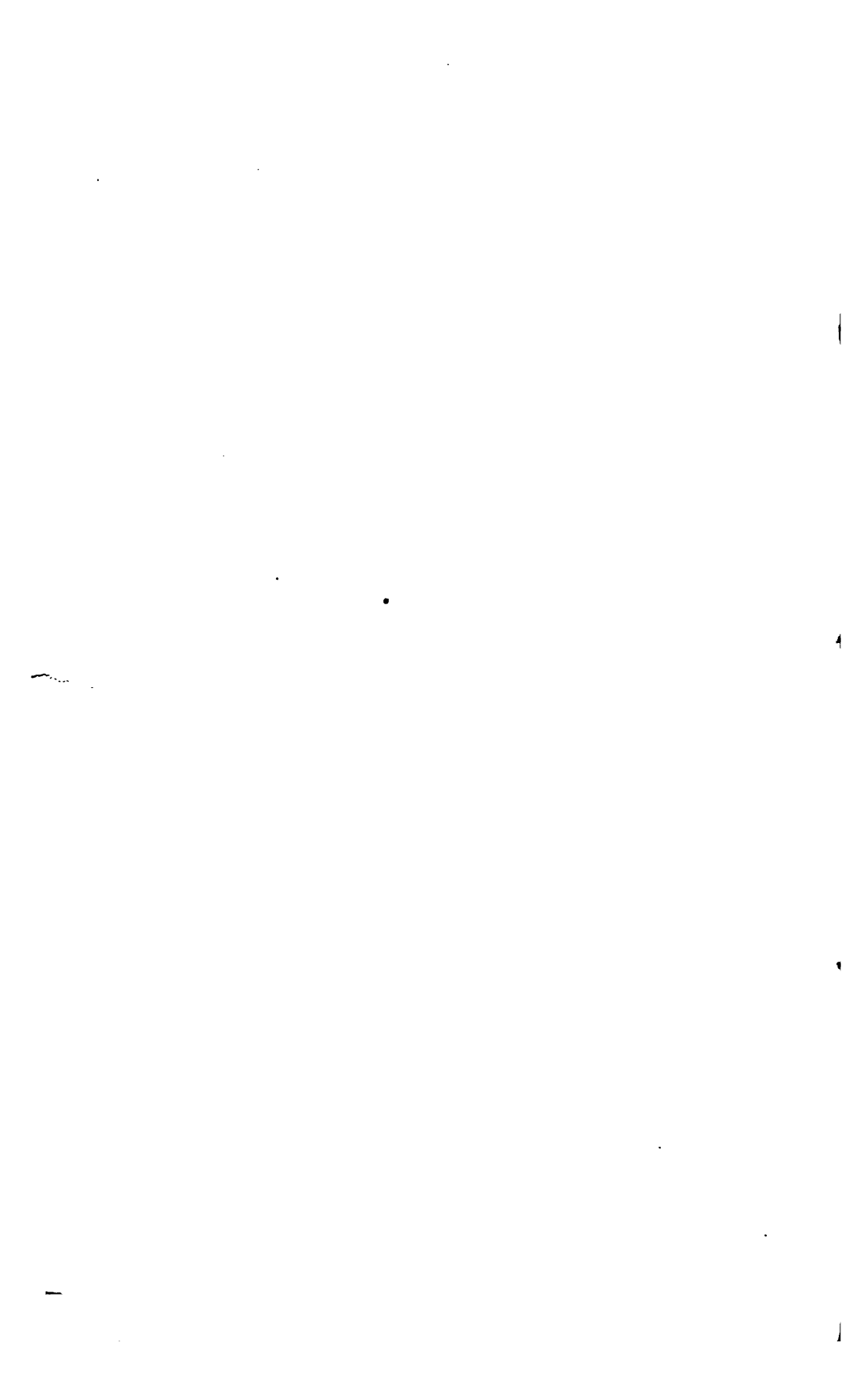
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## ACCEPTANCE OF ACTS.

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## ACCEPTANCE OF ACTS.

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### CERTIFICATE OF CONSOLIDATION OF THE BOUND BROOK AND EASTON RAILROAD COM- PANY WITH THE PERTH AMBOY AND BOUND BROOK RAILROAD COMPANY.

We, the subscribers, more than two-thirds of the stockholders in interest of the Bound Brook and Easton Railroad Company, hereby do consent and agree that the interest of said company with all rights and privileges belonging to the same, shall be consolidated and united with the interests of the Perth Amboy and Bound Brook Railroad Company; and this consent and agreement is given in pursuance of an act entitled "An Act to consolidate the Bound Brook and Easton Railroad Company and the Perth Amboy and Bound Brook Railroad Company, supplementary to the charters of said companies," approved April 2, 1872.

NEWARK, N. J.

E. M. PATTERSON, ten shares,  
J. D. PATTERSON, five shares,  
WILLIAM PATERSON, five shares,  
JAMES BISHOP, twenty shares,  
ASA PACKER, ten thousand shares,  
H. E. PACKER, five hundred shares,  
THOMAS N. McCARTER, twenty shares,  
ROB. H. SAYRE, five hundred shares.

In witness whereof, the corporate seal of the aforesaid

## CERTIFICATE OF ACCEPTANCE.

company, has been affixed and attested by the President and Secretary, this third day of April, A. D., 1872.

[CORPORATE SEAL.]      ASA PACKER, *President*.  
CHAS. HARTSHORN, *Secretary*.

We, the subscribers, being stockholders of more than two-thirds in interest of the capital stock of the Perth Amboy and Bound Brook Railroad Company, hereby do signify and express our consent and agreement to consolidate and unite the interest of said company, and all the rights and privileges belonging to the same, with those of the Bound Brook and Easton Railroad Company; and this consent and agreement are given in pursuance of an act entitled "An Act to consolidate the Bound Brook and Easton Railroad Company, and the Perth Amboy and Bound Brook Railroad Company, supplementary to the charters of said companies," approved April 2d, 1872.

NEWARK, N. J., April 3d, 1872.

ROB. H. SAYRE, four thousand shares.

In witness whereof, the corporate seal of the aforesaid company has been affixed hereto, and attested by the President and Secretary, this third day of April, A. D. 1872.

[CORPORATE SEAL.]      E. M. PATTERSON, *President*.  
CHAS. HARTSHORN, *Secretary*.

STATE OF NEW JERSEY :

I, Henry C. Kelsey, Secretary of the State of  
[SEAL] New Jersey, do hereby certify the foregoing to be a true copy of the "Certificate of the Consolidation of the Bound Brook and Easton Railroad Company and Perth Amboy and Bound Brook Railroad Company," as taken from and compared with the original filed in my office the sixteenth day of April, A. D. 1872, and now remaining on file and of record therein.

In testimony whereof, I have hereunto set my hand and affixed my official seal this sixteenth day of April, A. D. 1872.

HENRY C. KELSEY.

ACCEPTANCE OF ACT INCORPORATING ANCHOR  
LIFE INSURANCE COMPANY.

NEW YORK, April 8, 1872.

Abstract from the minutes of the annual meeting of the Board of Directors of the Anchor Life Insurance Company of New Jersey held this day, at the office of the company, at No. 178 Broadway, New York, a quorum being present:

The President, Mr. Edmund C. Fisher, reported to the Board that he had obtained from the Legislature of the State of New Jersey a consolidation and amendment to the act and supplements by which this company was chartered, and that he had received from the Secretary of State of New Jersey a certified copy of the same entitled "An Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company," approved by the Governor April the fourth, 1872, and delivered the said copy to the Board, whereupon it was unanimously

*Resolved*, That the "Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company," approved April 4th, 1872, be and hereby is accepted by the corporators therein named, a majority of them being now present, and that the Secretary be ordered to record the said act in the minutes of this meeting.

[SEAL.]

I. A. GIFFING,

*Secretary.*

I hereby certify that I am the Secretary of the Anchor Life Insurance Company, and that the foregoing is a true copy and abstract from the minutes of the Board of Directors of said company.

I. A. GIFFING.

Sworn to before me this 25th day of April, 1872. Witness my hand and official seal.

[SEAL.]

JOHN BISSELL,  
*Commissioner for New Jersey.*

## ACCEPTANCE OF ACTS.

## STATE OF NEW JERSEY:

I, Henry C. Kelsey, Secretary of State of the  
[SEAL.] State of New Jersey, do hereby certify the foregoing to be a true copy of the certificate of acceptance of "Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company," approved April 4, 1872, as taken from and compared with the original filed in my office the twenty-sixth day of April, A. D. 1872, now remaining on file and of record therein.

In testimony whereof, I have hereunto set my hand and affixed my official seal this twenty-sixth day of April, A. D. 1872.

HENRY C. KELSEY. .

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CERTIFICATE OF ORGANIZATION AND ADOPTION  
OF CORPORATE NAME OF "THE UNITED NEW  
JERSEY RAILROAD AND CANAL COMPANY."

Be it known to all whom it may concern, that at a meeting of the Joint Board of Directors of the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, held at the office of the said Companies, in the city of Trenton, State of New Jersey, on the twenty-sixth day of April, eighteen hundred and seventy-two, the following preamble and resolution was adopted by the said Joint Board:

WHEREAS, it appears by the minutes of the meetings of the stockholders of the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, that said companies have all consented to the consolidation of said companies into one company, as provided and authorized by the act of the Legislature of the State of New Jersey entitled "An Act to amend 'An

Act to validate and confirm certain agreements between the companies owning the railroad lines between New York and Philadelphia," approved March 14th, 1872, and the act thereby amended, which consent was made by a majority of the stockholders of each of said companies, voters at said meetings, respectively; therefore,

*Be it resolved* by the Joint Board of Directors of the said Companies, assembled this twenty sixth day of April, eighteen hundred and seventy-two, that the said three companies shall be and are hereby consolidated into one corporation, pursuant to and as provided by the said acts of the State of New Jersey, under the name of "The United New Jersey Railroad and Canal Company."

Now this certificate witnesseth, that the said Joint Board of Directors have adopted the corporate name of "The United New Jersey Railroad and Canal Company," as the designation or name for the said consolidated or united interest or corporation.

Witness the corporate seals of the said several consolidated companies with the signature of their respective Presidents and Secretaries and that of the General President and Secretary of said Joint Board.

R. F. STOCKTON, [CORPORATE SEAL.]  
*President of the Delaware and Raritan Canal Company.*

Attest:  
JOHN P. STOCKTON.

WM. H. GATZMER, [CORPORATE SEAL.]  
*President Camden and Amboy Railroad and Transportation Company.*

Attest:  
SAM'L J. BAYARD, *Secretary.*

A. L. DENNIS, [CORPORATE SEAL.]  
*President New Jersey R. R. & Trans. Co.*  
FRED. W. RANKIN,  
*Sec'y N. J. R. R. & Trans. Co.*

JOHN G. STEVENS,  
*Pres't of the Joint Board.*

WM. H. GATZMER,  
*Secretary of the Joint Board.*

## ACCEPTANCE OF ACTS.

STATE OF NEW JERSEY:

I, Henry C. Kelsey, Secretary of State of the  
 [SEAL.] State of New Jersey, do hereby certify the foregoing to be a true copy of the certificate of organization and adoption of corporate name of "The United New Jersey Railroad and Canal Company," as taken from and compared with the original filed in my office the eighteenth day of May, A. D. 1872, now remaining on file and of record therein.

In testimony whereof, I have hereunto set my hand and affixed my official seal this eighteenth day of May, A. D. 1872.

HENRY C. KELSEY.

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 AN ACT

Giving the assent of this Commonwealth to two acts of the Legislature of the State of New Jersey, the one entitled "A Supplement to an act entitled 'A Further Supplement to an act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,''" passed the fifth day of March, one thousand eight hundred and thirty two, which further supplement was passed the twenty-fourth day of February, one thousand eight hundred and forty-three, the other entitled "A Further Supplement to the act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,'" approved March fifth, eighteen hundred and thirty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the assent of this commonwealth be and the same is hereby given to the provisions mentioned and contained in two acts of the legislature of the state of New Jersey, one thereof approved the eighth day of March, eighteen hundred and seventy-one, entitled "A Supplement to



an act entitled 'A Further Supplement to an act entitled "An Act to incorporate the Belvidere Delaware Bridge Company,"' approved the fifth day of March, one thousand eight hundred and thirty-two, which further supplement was passed the twenty-fourth day of February, one thousand eight hundred and forty-three; the other thereof approved the fifth day of March, eighteen hundred and seventy-two, entitled "A Further Supplement to the act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,'" approved March fifth, eighteen hundred and thirty-two, and the said acts of the legislature of the state of New Jersey are hereby adopted, ratified and confirmed by this commonwealth, and the provisions thereof shall be in full force and effect within this commonwealth; and the said acts of the legislature of the state of New Jersey shall be annexed to this act and be published in the same manner as the laws usually are; and the governor shall likewise cause an exemplified copy thereof to be deposited in the secretary's office of this commonwealth, and transmit an attested copy of this act to the governor of the state of New Jersey.

W. ELLIOTT,

*Speaker of the House of Representatives.*

JAMES S. RUTAN,

*Speaker of the Senate.*

Approved the third day of April, anno domini one thousand eight hundred and seventy-two.

JOHN W. GEARY.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH, }  
HARRISBURG, June 10, A. D. 1872. }

PENNSYLVANIA, ss:

I do hereby certify, that the foregoing and annexed is a full, true and correct copy of the original act of the General Assembly entitled "An Act giving the assent of this Commonwealth to two acts of the Legislature of the State of New Jersey, the one entitled 'A Supplement to an act entitled "A Further Supplement to an act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,'" passed the fifth day of March, one thousand eight hundred and thirty-two, which further supplement was passed the twenty-fourth day of February, one thousand eight hundred and forty-three; the other

## ACCEPTANCE OF ACTS.

entitled "A Further Supplement to the act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,' " approved March fifth, eighteen hundred and thirty-two," as the same remains on file and of record in this office.

In testimony whereof, I have hereunto set my hand and caused the seal of the Secretary's office to be affixed the day and year above written.

F. JORDAN,

*Secretary of the Commonwealth.*

Filed June 18th, 1872, in the office of the Secretary of State of New Jersey.

HENRY C. KELSEY,

*Sec'y of State.*

STATE OF NEW JERSEY:

[SEAL.] I, Henry C. Kelsey, Secretary of State of the State of New Jersey, do hereby certify the foregoing to be a true copy of a paper writing filed in my office the eighteenth day of June, A. D. eighteen hundred and seventy-two, as the same is taken from and compared with the original now remaining on file and of record in my said office.

In testimony whereof, I have hereunto set my hand and affixed my official seal this eighteenth day of June, A. D. eighteen hundred and seventy-two.

HENRY C. KELSEY.

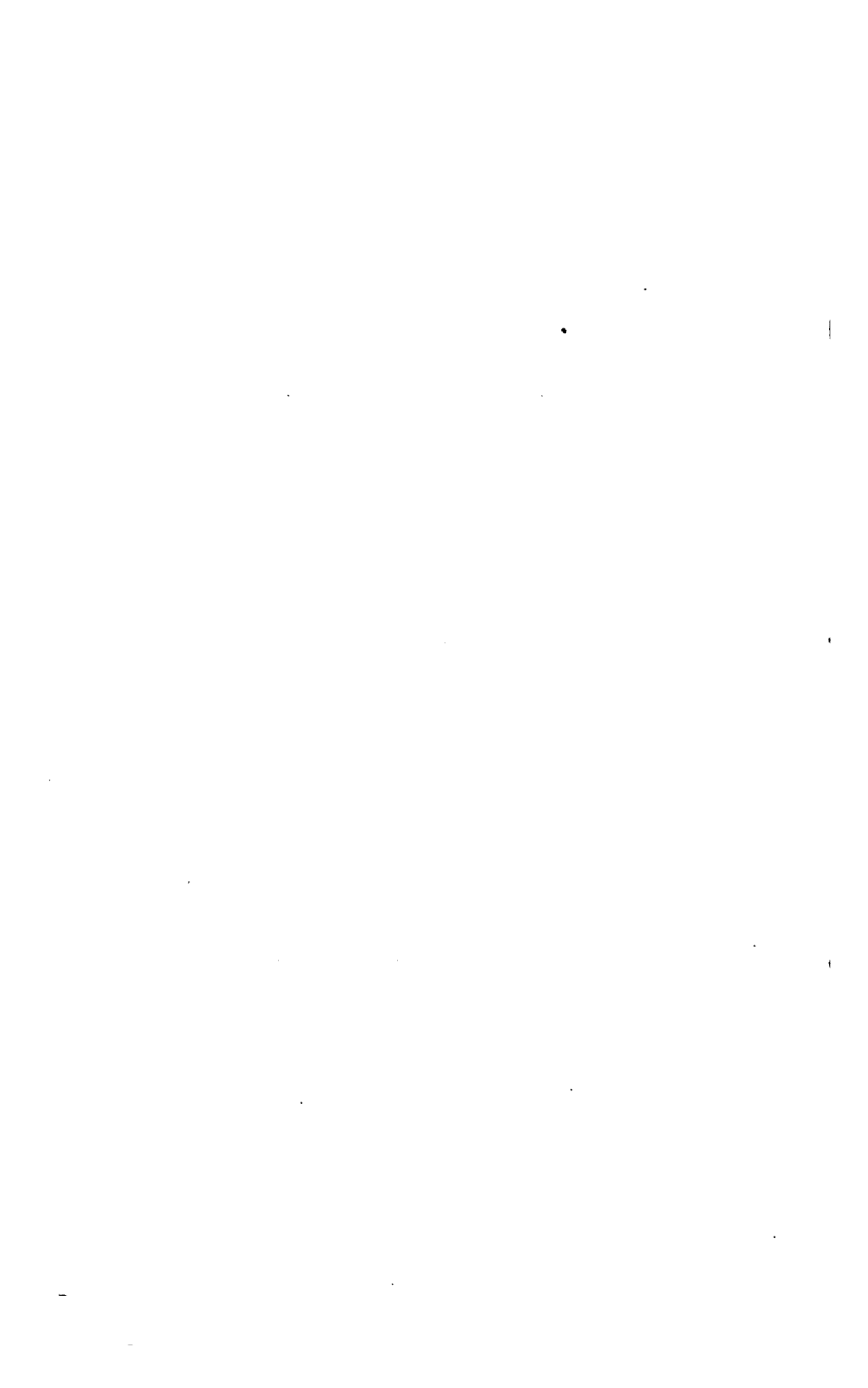
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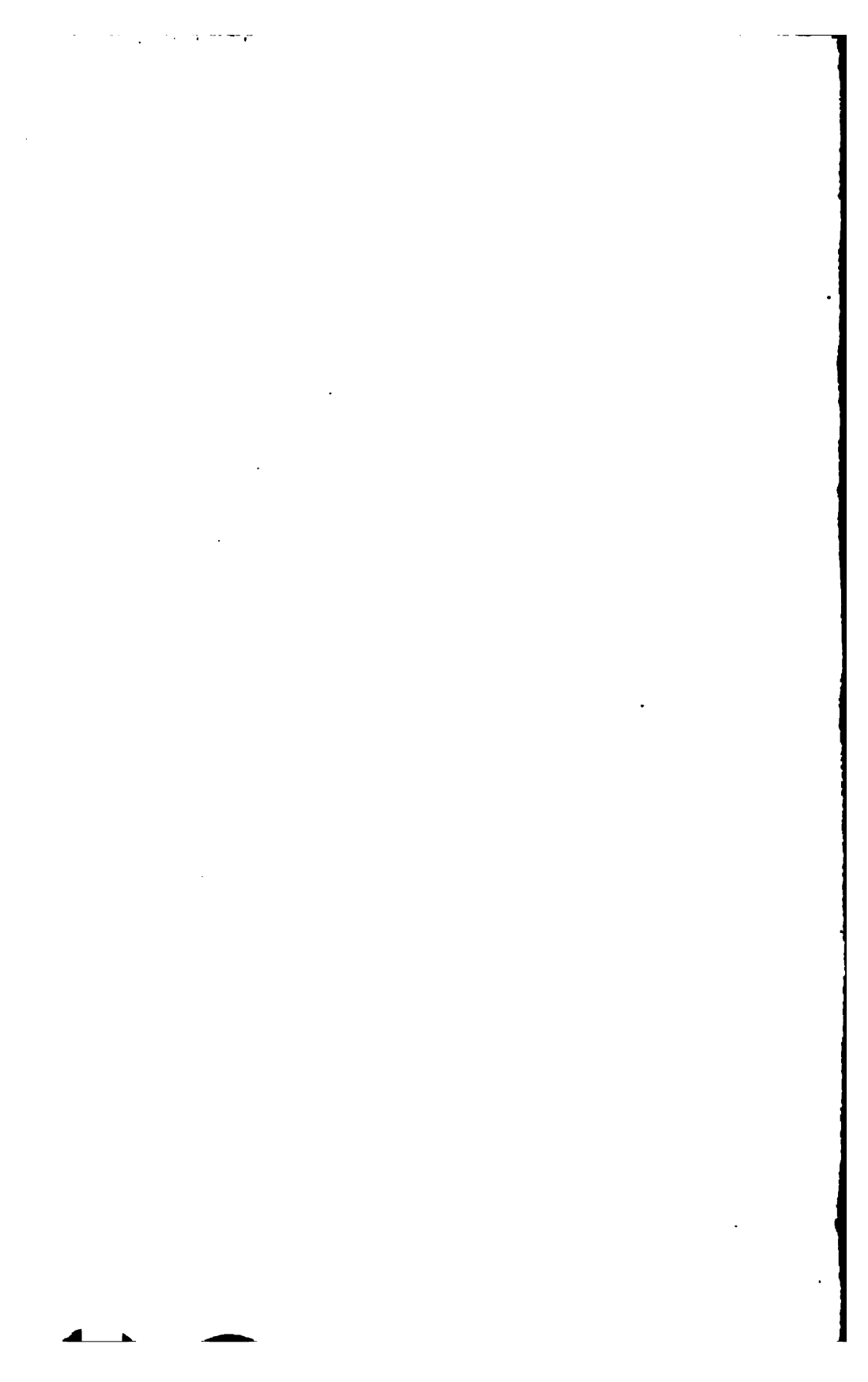
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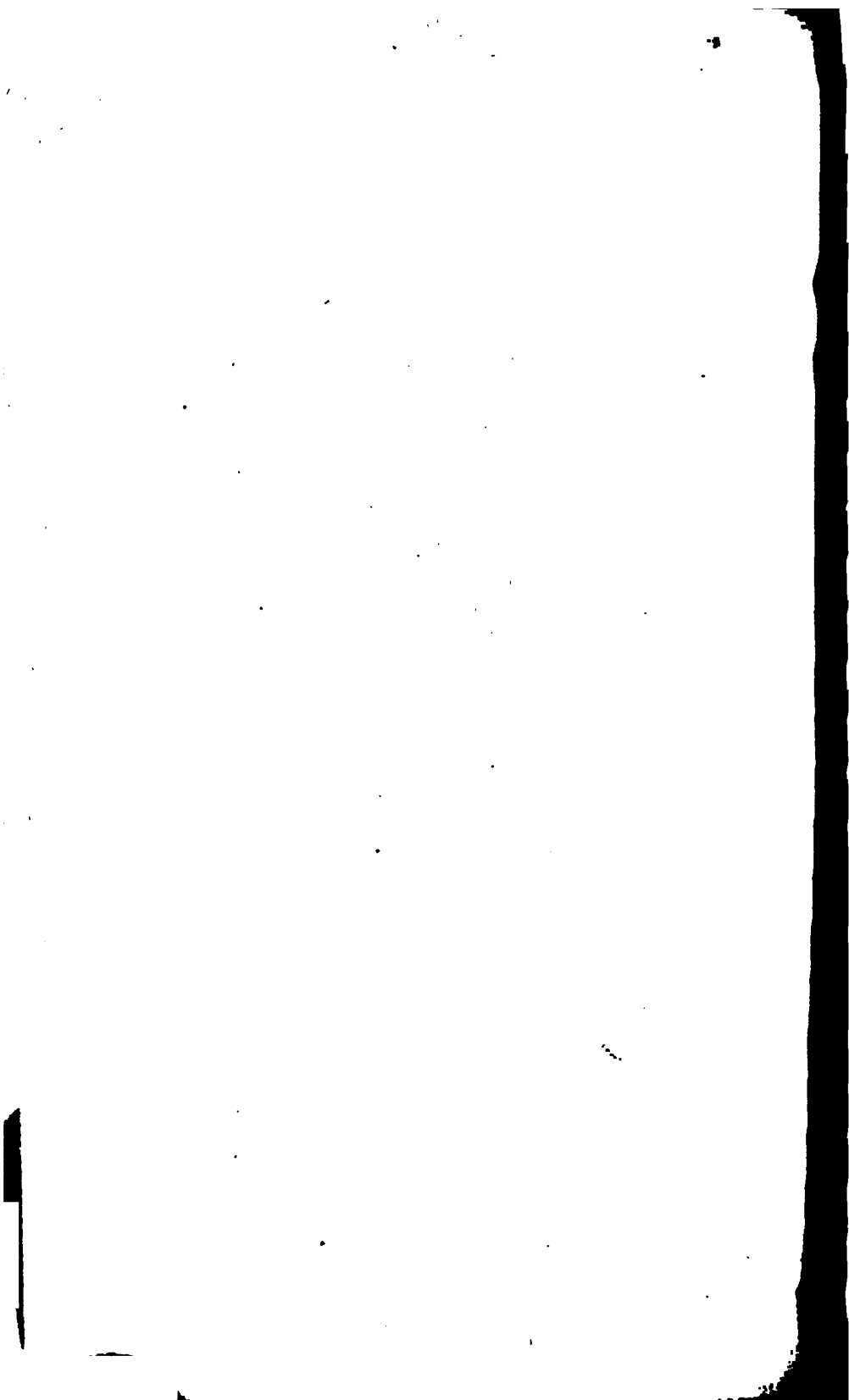
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